

Village of Merrickville-Wolford



OFFICIAL PLAN

October 2006

TABLE OF CONTENTS

Table of Contents

SECTION 1 INTRODUCTION

1.1	APPLICATION	1
1.2	PLANNING ACT	1
1.3	OFFICIAL PLAN	1

SECTION 2 BASIS AND OBJECTIVES

2.1	INTRODUCTION	4
2.2	BASIS OF THE PLAN	4
2.3	OBJECTIVES OF THE PLAN	6

SECTION 3 GENERAL PROVISIONS

3.1	ACCESSORY USES	8
3.2	AESTHETICS	10
3.3	AGRICULTURAL USES	10
3.4	AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)	10
3.5	BUFFERING	11
3.6	CONTAMINATED SITES	11
3.7	DIVISION OF LAND	12
3.8	ENERGY	15
3.9	ENVIRONMENTAL IMPACT STUDY	16
3.10	EXISTING LAND USES	17
3.11	FINANCIAL CONSIDERATIONS	19
3.12	FISHERIES	19
3.13	FLOOD AND FILL LINES	20
3.14	FOREST RESOURCES	21
3.15	FRONTAGE AND ACCESS	22
3.16	GROUP HOMES	22
3.17	HABITAT OF ENDANGERED AND THREATENED SPECIES	23
3.18	HERITAGE CONSERVATION	24
3.19	INFLUENCE AREAS	27
3.20	LAND ADJACENT TO A WETLAND	28
3.21	LAND USES NOT CONSIDERED IN THIS PLAN	29
3.22	NOISE ATTENUATION	29
3.23	PARKLAND	30
3.24	PUBLIC AND INSTITUTIONAL USES	30
3.25	RURAL CHARACTER	31
3.26	SIGNIFICANT WILDLIFE HABITAT	31
3.27	WATERFRONT DEVELOPMENT	32
3.28	WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS	32

SECTION 4 LAND USE DESIGNATION

4.1	INTRODUCTION	34
4.2	URBAN LAND USE DESIGNATIONS	35
4.2.1	INTRODUCTION	35
4.2.2	RESIDENTIAL	37
4.2.3	CORE AREA	38
4.2.4	HIGHWAY COMMERCIAL	40
4.2.5	BUSINESS PARK	41

TABLE OF CONTENTS

4.2.6	INSTITUTIONAL	42
4.2.7	OPEN SPACE	43
4.3	RURAL LAND USE DESIGNATIONS	45
4.3.1	INTRODUCTION	45
4.3.2	HAMLET	46
4.3.3	RURAL	48
4.3.4	AGRICULTURAL	54
4.3.5	MOBILE HOME DEVELOPMENT	56
4.3.6	AGGREGATE RESOURCE	59
4.3.7	MINERAL RESOURCE	61
4.3.8	SALVAGE YARD	62
4.4	VILLAGE-WIDE LAND USE DESIGNATIONS	63
4.4.1	INTRODUCTION	63
4.4.2	WASTE DISPOSAL SITE	64
4.4.3	WETLAND	66

SECTION 5 TRANSPORTATION

5.1	GENERAL	67
5.2	COUNTY ROADS	67
5.3	LOCAL ROADS	68
5.4	PROPOSED ROAD WIDENINGS	68
5.5	PRIVATE ROADS	68

SECTION 6 SERVICING

6.1	GENERAL	69
6.2	WASTE MANAGEMENT	69
6.3	PRIVATE WATER AND WASTEWATER SERVICES	70
6.4	MUNICIPAL WATER SUPPLY	71
6.5	MUNICIPAL SANITARY SEWAGE TREATMENT	71
6.6	STORMWATER MANAGEMENT	72

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

7.1	GENERAL	74
7.2	ZONING BY-LAWS	74
7.3	PROPOSED SITE PLAN CONTROL AREA	75
7.4	COMMITTEE OF ADJUSTMENT	77
7.5	PUBLIC PARTICIPATION AND PUBLIC NOTICE PROCEDURES	77
7.6	PUBLIC WORKS AND CAPITAL WORKS PROGRAM	78
7.7	PROPERTY STANDARDS BY-LAW	78
7.8	LEGISLATION PURSUANT TO THE MUNICIPAL ACT	79
7.9	HOUSING POLICY	79
7.10	OFFICIAL PLAN AMENDMENTS	79
7.11	COMMUNITY IMPROVEMENT	80
7.12	INTERPRETATION	83

Appendix A Design Guidelines

Appendix B Provincial Policy Statement 2005 Definitions

TABLE OF CONTENTS

Schedule A-1 RURAL AREA LAND USE PLAN

Schedule A-2 RURAL AREA DEVELOPMENT CONTROLS

Schedule B-1 URBAN AREA LAND USE PLAN

Schedule B-2 URBAN AREA DEVELOPMENT CONTROLS

SECTION 1 INTRODUCTION

1.1 APPLICATION

This Official Plan applies to the whole of the Village of Merrickville-Wolford.

1.2 PLANNING ACT

- 1.2.1 Council is charged with the responsibility of preparing and adopting an Official Plan for the Village, and of reviewing the Official Plan from time to time, but not less than once every five years, in order to determine the need to revise/update it.
- 1.2.2 Where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed for any purpose, except as provided by Section 24 of the Planning Act, that does not conform to the Official Plan.
- 1.2.3 In exercising its planning authority, including the preparation of this Official Plan, Council shall have regard to matters of Provincial interest, including the Provincial Policy Statement.

1.3 OFFICIAL PLAN

1.3.1 Purpose

The purpose of this Plan is to guide future growth and development in a logical and orderly manner, and to protect existing development from the adverse effects which may arise from incompatible development. As well, it is intended to protect and preserve those significant natural and cultural heritage resources that give the Village its unique character.

This Plan will assist both private interests and public administrators by providing the basis for decision making. Private interests will be aware of Council's policies for future development and can plan their activities accordingly. Public administrators will be able to identify and program the delivery of needed services in the most cost-effective way.

1.3.2 Scope

The Official Plan is a legal document but does not, by itself, control or regulate development. The policies contained in this Plan are intended to guide Council in the preparation of municipal regulations such as Zoning By-laws, and in the review of development applications such as plans of subdivision, severances and site plans.

1.3.3 Planning Period

This Plan is intended to guide the future growth and development of the Village for a period of 20 years to the year 2023.

1.3.4 Population

At the end of the year 2023 planning period, the permanent population of the Village is expected

SECTION 1 INTRODUCTION

to reach approximately 4,000 persons. This represents a population increase of approximately 1,500 persons over the 2001 population of 2,500 persons. The Village also has an additional seasonal population associated with the cottage development on the Rideau Canal National Historic Site of Canada. This population is not large and it is not expected to increase during the planning period.

1.3.5 Contents of Plan

For ease of reference, this Plan has been organized into seven Sections and four map Schedules, as described below:

- Section 1 is this introduction to the Plan;
- Section 2 sets out the overall Basis and Objectives of the Plan;
- Section 3 describes the general planning policies and procedures which apply throughout the Village;
- Section 4 describes the various land use designations and related development policies which apply to specific designated areas of the Village;
- Section 5 sets out the transportation policies that apply throughout the Village;
- Section 6 sets out the municipal servicing policies that apply throughout the Village; and,
- Section 7 contains descriptions of the various mechanisms by which this Plan is to be implemented and interpreted.

In addition to the text of the Official Plan, there are four map Schedules:

- Schedules A-1 and B-1 divide the Village into the various land use designations to which the policies of Section 4 apply. Schedule A-1 applies to the rural area of the Village and Schedule B-1 applies to the urban area of the Village; and,
- Schedules A-2 and B-2 identify development controls related to specific sites and features throughout the Village. Policies related to these controls are contained in Section 3 of this Plan. Schedule A-2 applies to the rural area of the Village and Schedule B-2 applies to the urban area of the Village.

To determine whether a development proposal is permitted, all of the policies of this Plan need to be examined. It is particularly important not to rely solely on the land use designations on Schedules A-1 and B-1 and the corresponding land use and development policies of Section 4.

Finally, there are two Appendices attached to the Official Plan which do not form part of the Plan but are included to provide guidance in implementing the policies of the Plan:

- Appendix A contains Design Guidelines which are intended to assist Council in implementing the natural and cultural heritage policies of this Plan when considering development proposals; and,

SECTION 1 INTRODUCTION

- Appendix B contains the definitions of the Provincial Policy Statement 2005 and are intended as a reference when interpreting the policies of this Plan as they are intended to implement the Provincial Policy Statement 2005.

SECTION 2 BASIS AND OBJECTIVES

2.1 INTRODUCTION

The policies contained in this Plan were formulated on the basis of an examination of existing conditions, past development patterns, present development trends and projections of future conditions. As well, a Community Visioning session was held to initiate the process of preparing this Plan, the results of which are contained in the Village of Merrickville-Wolford Official Plan Update Public Consultation Report which does not form part of this Plan but which is available for reference under separate cover.

2.2 BASIS OF THE PLAN

The Village of Merrickville-Wolford was formed on January 1, 1998 by the amalgamation of the former Village of Merrickville and the Township of Wolford. It is located in the United Counties of Leeds and Grenville along the south shore of the Rideau Canal National Historic Site of Canada, except for a small portion of the former Village of Merrickville which extends across the river. The northeast corner of the Village touches the southwest corner of the City of Ottawa and the northwest corner of the Village touches the southern boundary of the Town of Smiths Falls.

A network of County Roads provides excellent access to and from the Village. County Road 43 provides access to Kemptville and Highway 416 to the east. This route also provides access to Ottawa, as does County Road 23. County Road 43 also provides direct access to Smiths Falls to the west, and County Roads 16 and 17 also provide access to Smiths Falls. County Road 15 provides access to Highway 401 to the south.

The Village is characterized by a diverse landscape. There are active farmlands, large wetlands, extensive woodlands, and cleared areas where full time farming has been abandoned because of marginal soil capability. The Rideau Canal National Historic Site of Canada has had a significant impact on the historic development of the Village, and continues to be an important influence on its role as an arts community which draws visitors from a large surrounding area as well as tourists visiting the National Capital Region. Within the Village, there are four lockstations, Edmunds, Kilmarnock, Merrickville, and Upper and Lower Nicholsons which provide places for public access to the Canal, passive recreation and presentation of the Canal story. The Easton-Kilmarnock marshes are among the most significant wetlands along the Canal, and the section of Canal from Merrickville to Burritts Rapids is a particularly scenic and historic area.

Merrickville was founded in 1793 as Mirick's Mills to take advantage of the power potential at the falls. With the opening of the Rideau Canal in 1832, access to Kingston and Ottawa spurred the growth of the Village. At the same time, the surrounding countryside was settled as a farming area. The former Wolford Township was incorporated in 1850 with the former Village of Merrickville following in 1860. The current Village of Merrickville-Wolford was created by the amalgamation of the two former municipalities in 1998.

There is an extensive inventory of historic buildings and structures in the Village. These include public ones such as the Block House, Watchorn Woolen Mills and the lock stations that are located along the Canal in the Village. There are also a large number of designated and undesignated commercial and residential buildings within the older, central part of Merrickville, as well historic farmsteads along the Canal and throughout the rural area of Wolford. These

SECTION 2 BASIS AND OBJECTIVES

historic buildings and structures provide an important backdrop to the evolution of the Village as a well known arts community. The Rideau Canal National Historic Site of Canada, itself, is a significant tourist attraction which draws boaters, cottagers, and campers to the Village.

There is an extensive agricultural community within the Wolford portion of the Village, and there is a growing commuter population residing throughout the Village that can conveniently commute to work in Ottawa, Smiths Falls or Brockville.

Recent development activity within in the Village has occurred at a relatively moderate rate, with the bulk of this activity consisting of renovations and expansions to existing commercial and residential buildings in Merrickville to accommodate the growing arts community and related tourism uses. New residential development in both the Merrickville and Wolford portions of the Village, and conversions of cottages to permanent residences has also occurred at a relatively moderate rate, primarily to accommodate hobby farmers, retirees and commuters. Most development within the Village has occurred on existing lots or through the consent process. There have been few plans of subdivision, although rural subdivision activity in nearby Ottawa and North Grenville suggests that this type of development activity could reach Merrickville-Wolford. Significant new development activity in Merrickville, however, is presently constrained by limited sanitary sewage treatment capacity.

Within this overall context, the policies of this Plan are based on the following:

- 2.2.1 Development in the Village is expected to continue at the current moderate pace for the foreseeable future. Nonetheless, this Plan can accommodate additional rural development should there be an increase in the rate of growth. Significant additional development in Merrickville, however, is unlikely to occur until additional servicing capacity is available.
- 2.2.2 Development is expected to continue to take place in Merrickville, along the Rideau Canal National Historic Site of Canada, in the rural hamlets of the Village, and in the rural area of the Village. As a consequence, the policies of this Plan must address a wide range of planning issues.
- 2.2.3 Future development within the Village will be affected by the numerous natural heritage features and areas, groundwater and soil conditions, renewable and non-renewable resources, and environmental constraints such as floodplains and wetlands, all of which must be protected.
- 2.2.4 The Village possesses considerable potential for increased recreation and tourism development. The Rideau Canal National Historic Site of Canada and the rich historic background of the area add to the municipality's recreational and tourism potential. It is expected that tourism will continue to provide an important source of income for the Village with investment from both the public and private sectors. As a result, the Plan must cater to both permanent residents and visitors.
- 2.2.5 Many seasonal and permanent dwellings have been constructed along the Rideau Canal National Historic Site of Canada. It is expected that some additional waterfront development on private roads and conversions from seasonal to permanent dwellings will continue, as residents continue to choose waterfront properties.
- 2.2.6 To the extent possible, development in the urban serviced area of Merrickville is intended to take place on full municipal services.

SECTION 2 BASIS AND OBJECTIVES

- 2.2.7 Outside the serviced area of Merrickville, it is expected that most future development will take place on private water supply and septic systems. As a result, development will take place at relatively low densities.

2.3 OBJECTIVES OF THE PLAN

Within the context of implementing the Provincial Policy Statement, the objectives of this Plan are:

- 2.3.1 To protect the natural resources and natural heritage features of the Village, such as prime agricultural lands, wetlands, ground and surface water quality, forestry resources, aggregate resources, sensitive waterfront areas, and other identified environmental features which have contributed to the natural character of the Village.
- 2.3.2 To protect, conserve, restore, maintain and enhance cultural heritage resources which include, but are not restricted to, archaeological sites, cemeteries and burials, buildings, and structural remains of historical and architectural value, and human-made rural, village and urban districts or landscapes of historic and scenic interest.
- 2.3.3 To recognize the Rideau Canal as a National Historic Site and as a significant historic, natural and recreational resource in the Village, to support the management plan for the Canal, and to cooperate with Parks Canada, other agencies and the private sector in achieving the vision for the Canal corridor. Without limiting the generality of the foregoing, it is also an objective of this Plan that the Blockhouse be maintained as a museum.
- 2.3.4 To cooperate with other area municipalities, Provincial Ministries, Parks Canada and the Conservation Authorities to achieve a coordinated approach to address issues which cross municipal boundaries such as ecosystem and watershed planning.
- 2.3.5 To protect the rural character of the Village by requiring rural non-farm development to be appropriately located and designed.
- 2.3.6 To protect existing land uses from the impacts of incompatible development.
- 2.3.7 To promote environmentally sound development.
- 2.3.8 To ensure that an adequate supply and range of housing types are provided to satisfy the needs of existing and future residents in the urban area of Merrickville, and in both the rural hamlets and rural area of Woford.
- 2.3.9 To establish policies which will guide the conversion of seasonal to permanent dwellings and the creation of new residential lots on waterfront properties which are located on both public and private roads, to ensure that such development meets appropriate environmental standards.
- 2.3.10 To provide for a range of land uses within the Village, strategically located and focused in appropriate locations such as main transportation routes and rural areas with poor capability for agriculture.

SECTION 2 BASIS AND OBJECTIVES

- 2.3.11 To encourage the development of commercial and industrial uses in the designated urban area, in Hamlets or along County Roads, in order to control the scattering of such uses throughout the rural area.
- 2.3.12 To develop a servicing strategy for the designated urban area which will provide a cost-efficient means of servicing urban development so that the bulk of such development can be located within the designated urban area.
- 2.3.13 To control the extension of strip development and the creation of new areas of strip development in the rural area.
- 2.3.14 To provide needed recreational and community facilities within the financial means of the Village.
- 2.3.15 To establish detailed land use policies as the basis for evaluating development proposals, particularly in those instances where such proposals may be in keeping with one or more of the foregoing objectives but which, at the same time, may conflict with others.
- 2.3.16 To conduct planning with an open process, producing policies which are fair in their distribution of benefits and influences.

This Section of the Plan sets out policies which apply generally throughout the Village and/or apply in certain specified situations, regardless of the land use designation on a specific property. The policies of this Section should be read in conjunction with the land use policies contained in Section 4 of the Plan when considering a development proposal.

SECTION 3 GENERAL PROVISIONS

3.1 ACCESSORY USES

3.1.1 General

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory or essential to that use shall also be permitted. Accessory dwellings for non-residential uses are only permitted where specifically identified as a permitted use under the various land use designations contained in Section 4 and only in accordance with the Zoning By-law.

Notwithstanding the generality of the foregoing, the following are specifically permitted as accessory uses to a residential use that is permitted as the principal use in the land use designation in which it is located, unless otherwise prohibited below.

3.1.2 Accessory Apartment

Up to one accessory apartment unit shall be permitted in a single detached dwelling, subject to the following policies.

1. The physical character of the dwelling shall not be substantially altered. Pursuant to this policy, the implementing Zoning By-law shall contain regulations to define an accessory apartment unit and to restrict them so that a duplex or semi-detached dwelling cannot be constructed under this policy.
2. An accessory apartment unit shall only be permitted in a permanent single detached dwelling which is permitted as a principal use in the land use designation in which it is located. An accessory apartment unit shall not be permitted in a seasonal dwelling, an accessory dwelling for a non-residential use or a permanent dwelling in the Limited Services Residential zone.
3. Where an accessory apartment is to be located in a dwelling which is serviced by a private sewage disposal system, the applicant shall obtain a Certificate of Approval from the Health Unit prior to the issuance of a building permit for an accessory apartment unit.

3.1.3 Bed and Breakfast

A bed and breakfast use shall be permitted in a single detached dwelling, subject to the following policies.

1. The physical character of the dwelling shall not be substantially altered. Pursuant to this policy, the implementing Zoning By-law shall contain regulations to define a bed and breakfast use and to restrict them so that a rooming or boarding house cannot be constructed under this policy.
2. A bed and breakfast use shall only be permitted in a permanent single detached dwelling which is permitted as a principal use in the land use designation in which it is located. A bed and breakfast use shall not be permitted in an accessory dwelling for a non-residential use.

3.1.4 Garden Suite

SECTION 3 GENERAL PROVISIONS

A garden suite is defined as a separate, self-contained dwelling unit located on the same lot as the principal dwelling with which it is associated, and is intended as a temporary residence to fulfil a specific need. A garden suite shall be permitted in association with a single detached dwelling, subject to the following policies.

1. A garden suite shall only be permitted under the Temporary Use provisions of Section 39 of the Planning Act. Prior to a rezoning to permit a Garden Suite, the applicant shall satisfy Council that there is a need for the Garden Suite, that the applicable zoning regulations of the zone in which the Garden Suite is to be located can be met, and that sewage and water services will be adequate.
2. A garden suite shall only be permitted in association with a permanent single detached dwelling which is permitted as a principal use in the land use designation in which it is located. A garden suite shall not be permitted in a seasonal dwelling, an accessory dwelling for a non-residential use or a permanent dwelling in the Limited Services Residential zone.
3. A mobile or manufactured home may be used as a garden suite.
4. Where a garden suite is to be located in a dwelling which is serviced by a private sewage disposal system, the applicant shall obtain a Certificate of Approval from the Health Unit prior to the issuance of a building permit for a garden suite.

3.1.5 Hobby Farm

A hobby farm is defined as the keeping, breeding, raising and grazing of livestock and/or poultry, other than domestic pets, for the personal use of the household operating the hobby farm. A hobby farm shall be permitted as an accessory use to a residential use in the Rural designation, subject to the following policies.

1. A hobby farm shall be limited to one barn with a maximum gross floor area of 100 m².
2. A hobby farm shall only be permitted on a lot with a minimum area of 4 ha.
3. A hobby farm shall be subject to the Minimum Distance Separation (MDS) formula.

Notwithstanding the foregoing, hobby farms are also permitted in both the Rural and Agricultural designations in accordance with the policies for agricultural uses.

3.1.6 Home Occupation

A home occupation shall be permitted as an accessory use in all dwellings and shall be appropriately regulated in the implementing Zoning By-law to ensure that it is compatible with surrounding uses. To this end, only those uses with which there are no unacceptable associated noise, odour, smoke, outdoor display and/or traffic impacts shall be permitted. Pursuant to this policy, a distinction shall be made between a home occupation which is conducted entirely within a dwelling and a home occupation which is conducted partly or entirely outside the dwelling.

3.1.7 Private Home Daycare

SECTION 3 GENERAL PROVISIONS

A private home daycare is defined as a small-scale daycare facility which is operated in a dwelling where temporary care is provided for up to five children, not including any children permanently residing in the dwelling. A private home daycare shall be permitted in all dwellings in accordance with Provincial regulations.

3.2 AESTHETICS

It shall be the policy of Council to encourage the preservation and enhancement of the natural amenities and scenic character of the Village. To this end, efforts shall be made, through appropriate by-laws and agreements, to:

1. control the display of advertising signs;
2. preserve existing vegetation;
3. replace trees and other vegetation which may be destroyed or removed during the development process;
4. re-establish natural shorelines and shoreline vegetation; and,
5. preserve the scenic character of the Rideau Canal shoreline.

As well, the Village shall require a high standard of subdivision and site planning.

3.3 AGRICULTURAL USES

- 3.3.1 All new farm and non-farm development, including hobby farms, shall comply with the Minimum Distance Separation (MDS) formulae, except that new residential development which is located in a designated Hamlet or in an urban land use designation in Merrickville shall not be subject to the MDS I formula.
- 3.3.2 The Village encourages the preparation and practice of nutrient management planning and best management practices by all nutrient generators and users.

3.4 AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)

Areas of Natural and Scientific Interest (ANSI) are areas of land and water which include natural landscapes or features which have been identified as having values related to protection, natural heritage appreciation, scientific study and/or education. ANSI's have been identified by the Ministry of Natural Resources and are shown on Schedules B-1 and B-2 as an overlay designation. Development and site alteration may be permitted in an ANSI and on lands adjacent to an ANSI in accordance with the policies of the underlying designation, if it is demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or functions for which the area is identified, subject to the following additional policies.

SECTION 3 GENERAL PROVISIONS

- 3.4.1 Prior to filing any application for development within or within 50 m of an ANSI, the applicant should consult with the Village to determine the scope of studies to be undertaken in accordance with the policies of Section 3.9.
- 3.4.2 Notwithstanding the policies of this Section of the Plan, where an ANSI overlay designation is associated with the Wetland designation, no development or site alteration is permitted within the Wetland designation pursuant to the policies of Section 4.4.3. Further, the policies of Section 3.20 shall apply to any studies that may be required in support of a development proposal such that the study area may be extended from 50 m to 120 m from the boundary of the ANSI overlay designation.
- 3.4.3 In certain locations, lands which are designated as an ANSI are also designated as a flood plain on Schedules A-2 and B-2. In such circumstances, the policies of both this Section and of Section 3.13 apply, in addition to the policies of the underlying designation on Schedules A-1 and B-1.
- 3.4.4 Where a new lot is to be created it should include sufficient area outside the ANSI to accommodate the proposed development, and where an existing lot is proposed to be developed, the development should, wherever possible, be located outside the ANSI.
- 3.4.5 Nothing in the foregoing policies is intended to prevent the continuation of existing agricultural uses.
- 3.4.6 It is Council's intention to amend this Plan to add new ANSI areas at such time as they may be identified. Pending such amendment(s), however, Council shall have regard to the foregoing policies when considering development proposals within or within 50 m of any newly identified ANSI areas.

3.5 BUFFERING

- 3.5.1 It is the policy of this Plan that every effort shall be made to avoid conflicts between different land uses. Where deemed necessary, buffering will be provided for the purpose of reducing or eliminating the adverse effects of one land use upon another. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses, but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose. Buffering may also be achieved through the preservation of natural features on a property. In certain instances, minimum distance separations, as identified in this Plan, may be required as a buffer between incompatible land uses.
- 3.5.2 It is also the policy of this Plan that all waterfront areas shall be buffered from the potential adverse effects of development by maintaining existing natural shorelines, and by restoring modified shorelines and native vegetation within the waterfront setback as required under Section 3.27 of this Plan.

3.6 CONTAMINATED SITES

- 3.6.1. Where a development application is made where a known, suspected or potentially contaminated

SECTION 3 GENERAL PROVISIONS

site exists, or on a property adjacent to such a site, the proposed development shall not be approved until:

1. a Record of Site Condition, signed by a certified engineer and acknowledged by the Ministry of the Environment, is received; and,
 2. if necessary, a site clean-up plan is designed and the site is cleaned-up in accordance with the applicable Ministry of the Environment decommissioning guidelines.
- 3.6.2 The Village will require developers to identify current or past uses that may have or are known to have, contributed to the presence of contaminants as part of their applications for development approval.

3.7 DIVISION OF LAND

Lot creation can take place in two ways: by consent (severance) or by plan of subdivision. A plan of subdivision generally provides for a more thorough and comprehensive review of development. However, under certain circumstances where a plan of subdivision is not necessary for proper and orderly development, a consent to a land conveyance may be granted. The following policies apply to the creation of lots, in addition to any other specific policies contained elsewhere in this Plan.

3.7.1 General

The following policies apply to the creation of all lots, whether by plan of subdivision or by consent, in all land use designations:

1. Lots should be created only in areas where the undue extension of any major service would not be required.
2. The size of any lot that is created should be appropriate for the proposed use. Where the lot is to be serviced by an individual well and/or septic system, such lots should generally have a minimum size of 1 ha, but not less than 0.8 ha, depending on soil conditions, except where a hydrogeology and terrain analysis study demonstrates that a smaller lot size can be justified. In no case, should any parcel be created which does not conform to the provisions of the Zoning By-law.

Notwithstanding the foregoing, however, where the lot to be created is a waterfront lot, the lot size and waterfront setback may be increased beyond the minimum requirements of the Zoning By-law, as a condition of approval of the new lot, in accordance with the findings of an Environmental Impact Study, where such a study is required by the policies of this Plan, and/or to satisfy Council that the plot plan for the proposed development is acceptable.

3. Where the size of an existing lot has been established on the basis of a hydrogeology and terrain analysis study, it shall not be further subdivided, regardless of the zone provisions of the zone in which it is located.
4. Direct access from County Roads shall be restricted in accordance with the regulations of the

SECTION 3 GENERAL PROVISIONS

County. Residential lots, in particular, should have access only from Village roads, except in a designated Hamlet, where permitted as infill and in the urban area of Merrickville.

6. Lots should not be created where access would create a traffic hazard because of limited sight lines on curves or grades.
7. Where a potential natural hazard exists due to unstable soils, steep slopes, flooding or similar characteristics, lots should not be created unless the lots and any retained or remnant parcels contain sufficient area to accommodate the proposed use outside the limits of the potential hazard.
8. The various minimum distance separations specified in this Plan shall be met.
8. No lot shall be created which results in landlocking any parcel of land.
9. Road widenings may be requested as a condition of any lot creation.
10. Where a municipal drain exists, a sufficient area shall be included in any new lot to allow access to the drain for operation and maintenance purposes.
11. No lot shall be created unless there is confirmation that there is treatment capacity for hauled sewage from private communal sewage systems and from individual on-site sewage systems, as the case may be.

3.7.2 Additional Policies for Consents

Where consents are intended to create a new lot for development, the following policies apply in addition to the policies of Section 3.7.1. Where the consent is for technical purposes such as a lot addition, or is to create a right-of-way or easement for such purposes as a utility corridor, access, conservation use, etc., the applicable policies of this section apply. Otherwise, such consents shall be evaluated on the basis of policies of the land use designation(s) in which the land is located as well as the intent of the General Provisions policies contained throughout Section 3 of this Plan.

3.7.2.1 Except where otherwise specifically permitted elsewhere in this Plan, consents on lands which are designated Agricultural or on lands which are designated Rural but which are located on good agricultural land (Class 1 to 3 in the Canada Land Inventory for Agricultural Capability) in a predominantly agricultural area may only be granted for the following purposes:

1. The creation of a new farm, provided the size of the new and residual farm parcel shall be appropriate for farming operations in the area and farming practices in the long term. In determining the appropriateness, parcel size should be sufficiently large to maintain flexibility for future changes to the type or size of agricultural operations.
2. A farmer who enlarges his farm holding by acquiring an additional farm may sever a parcel of land upon which an existing farmhouse is made surplus. Such a parcel may include the barn and/or other outbuildings where their inclusion in the severed parcel results in a more logically or effectively shaped parcel. Where such severances are granted, a new dwelling shall not be permitted on the remnant parcel, and the remnant parcel shall be re-zoned as a

SECTION 3 GENERAL PROVISIONS

condition of the severance to prohibit a new dwelling.

3. A farmer may be permitted a severance to make minor boundary adjustments between farms provided that the net effect is the retention of two viable farm parcels and no new lots are created. Subsection 1 above should be consulted to determine appropriate farm parcel sizes.
- 3.7.2.2 Wherever possible, new lots created in accordance with the consent policies of this Plan shall be located on lands of lesser agricultural capability and in a location that will not adversely affect existing farming operations. In addition, these lots shall comply with the Minimum Distance Separation formula pursuant to the policies of Section 3.3.
- 3.7.2.3 Lots should be created only when the land fronts on an existing public road which is of a reasonable standard of construction, except as permitted for Limited Services Residential, Tourist Commercial development and for certain rural uses as specified in Section 3.15 of this Plan.
- 3.7.2.4 Outside the designated Hamlets and urban area of Merrickville, consents should have the effect of infilling in existing developed areas and not of extending existing strip development. In determining whether a consent will result in the creation or extension of strip development, the visual impact of the proposed development shall be assessed. Specifically, consents should not be granted on flat, open land, but rather in areas having natural tree cover, scenic views and/or rolling terrain where natural landscape features prevent extensive views of development, especially along straight stretches of road. Further, the existing vegetation and terrain should be disturbed as little as possible.
- 3.7.2.5 Notwithstanding the policies of Sections 3.7.2.1 and 3.7.2.4 above, consents for infill development may be permitted on lands which are not designated Agricultural between two non-farm residences which existed on the date of adoption of this Plan, which are separated by lots of similar size, which are located on the same side of the road or right-of-way, and which are separated by not more than 120 m. Any new lots created under the policies of this Plan shall not be considered as existing development for the purposes of permitting infill development. Generally, a maximum of 2 infill lots may be created between two existing, developed properties.
- 3.7.2.6 In areas of extensive existing development which are not serviced by municipal water and sanitary sewer services, Council may require that a hydrogeological and terrain analysis study be carried out to determine the cumulative impact of the existing development prior to recommending any further consents.
- 3.7.2.7 Where a proposed lot is to be serviced by private water supply and sewage disposal services, and where it is located within 400 m of a municipal well or is located within 1 km of a municipal well up-gradient of the direction of groundwater flow, a hydrogeological and terrain analysis study may be required to determine the potential impact on the municipal well, and the recommendations of such study shall be implemented as a condition of consent approval.
- 3.7.2.8 Generally, the division of land by consent is intended for the creation of a limited number of lots. Except in designated Hamlets or in the urban area of Merrickville, where more than three lots (including the retained lot) have been created or are proposed to be created from an original parcel of land as it existed on January 17, 1988, development should occur by plan of subdivision, pursuant to the policies of this Plan.

SECTION 3 GENERAL PROVISIONS

3.7.3 Additional Policies for Plans of Subdivision

In addition to the policies of Section 3.7.1, the following policies apply to plans of subdivision.

3.7.3.1 It shall be the policy of Council to recommend for approval only those plans of subdivision:

1. which comply with the technical requirements of the Planning Act and the policies of this Plan;
2. which can be supplied with adequate services such as schools, fire protection, stormwater quality and quantity management, water supply and sewage disposal services, and road access and maintenance to the satisfaction of Council; and,
3. which would not adversely affect the economy or the financial capabilities of the Village.

3.7.3.2 Where development is proposed to take place on private services, plan of subdivision applications must be accompanied by a servicing options report, including preliminary stormwater management plans. As well, a hydrogeology and terrain analysis study shall be undertaken to determine whether the land is, or can be made, suitable for private sewage disposal systems and whether there is an adequate supply of potable water.

3.7.3.3 Except as permitted under the Design Guidelines contained in this Plan, all lots within a plan of subdivision shall generally front on an internal road network. Where necessary for design reasons, direct access to a County or Village road may be permitted.

3.7.3.4 All roads within a subdivision shall be constructed in accordance with the standards of the Village.

3.7.3.5 For residential subdivisions which are to be serviced by private wells and sewage disposal systems, development shall take place in phases, with the maximum size of each phase generally being in the range of 25 to 30 lots. Prior to proceeding to a new phase, at least 50% of the lots in the preceding phase must have been developed and the existing wells examined to the satisfaction of the Health Unit and the Conservation Authority.

3.7.3.6 All developers shall be required to enter into a subdivision agreement with the Village in accordance with the Planning Act before final approval of the subdivision is recommended by Council. All applicants will be required, at a minimum, to post a performance bond, file a letter of credit, or provide other financial considerations to the municipality to ensure the conditions of the subdivision agreement are fulfilled.

3.8 ENERGY

3.8.1 It is the intent of this Plan to promote energy-efficient development through such means as subdivision design, building orientation, and energy-efficient building design and materials, in a manner which is consistent with the Design Guidelines contained in Appendix A.

3.8.2 It is also the intent of this Plan to promote alternative energy systems and renewable energy systems including wind generation. Such systems should be located and/or designed to minimize

SECTION 3 GENERAL PROVISIONS

potential adverse impacts on existing uses and the natural heritage features of the Village.

3.9 ENVIRONMENTAL IMPACT STUDY

The Village envisions the use of two types of Environmental Impact Studies when considering an application for development or site alteration: scoped and full, as follows.

3.9.1 Scoped Environmental Impact Study

As a minimum, a Scoped Environmental Impact Study must be prepared for a proposed development project located within any of the Influence Areas referred to in Section 3.18 of this Plan. A Scoped Environmental Impact Study may also be required when a site inspection reveals that there may be a significant natural feature which could be adversely affected by the proposed development project. If, during the course of this analysis, it is determined that there may be potential negative effects or that there is a need for additional information to determine potential negative effects, a Full Environmental Impact Study shall be required.

3.9.2 Full Environmental Impact Study

The applicant will complete a Full Environmental Impact Study where it has been determined that one is required. Where a Full Environmental Impact Study is required in support of an application for development or site alteration, the applicant shall be responsible for the study, to be undertaken by a qualified expert at no cost to the Village. The applicant shall also be fully responsible for implementing the recommendations of the study as a condition of approval. The study, at a minimum shall:

1. research, identify and map the natural feature(s), values and functions that are potentially affected;
2. describe and map the proposed development activities, including building location, excavation, site grading, landscaping, drainage works, roadway construction, paving, and sewer and water services (if any) in relation to the natural feature(s);
3. predict the effects of the proposed development on the various components of the environment on the site such as wildlife, fish, vegetation, soil, surface water, groundwater, air and any other relevant factors, taking into consideration effects during and after site alteration;
4. evaluate the significance of all predicted negative and positive effects on the various environmental considerations;
9. itemize and recommend all measures that can be taken to reduce or mitigate the predicted negative effects;
10. evaluate the cumulative effect that the project (and any other known projects or activities) may have following implementation of any mitigation measures on the natural resource values and functions which make the natural feature(s) significant; and,
11. conclude with a professional opinion on whether negative effects will occur, the significance

SECTION 3 GENERAL PROVISIONS

of such effects, and whether ongoing monitoring is required.

Council may consult with the relevant public agencies including Provincial Ministries, Conservation Authorities and Parks Canada prior to accepting the Environmental Impact Study.

3.10 EXISTING LAND USES

Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on the Schedules to this Plan, as a general rule, should cease to exist in the long term. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that extensions and enlargements should be handled through Sections 34(10) or 44 of the Planning Act.

3.10.1 Zoning of Existing Non-conforming Land Uses

It is the intention of this Plan that any application, in accordance with Section 34(10) of the Planning Act, for the extension or enlargement of a use, which does not conform to the implementing Zoning By-law (hereinafter called a non-conforming use) and which existed at the time of passing of such By-law shall be dealt with in the following manner.

3.10.1.1 Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the Planning Act. Special attention will be given to the feasibility of re-establishing the use under consideration in a different location where it would be able to perform and produce under improved conditions in accordance with the policies of this Plan.

3.10.1.2 If acquisition does not appear to be feasible, and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider the passing of a Zoning By-law pursuant to Section 34(10) of the Planning Act, and such By-law may then be passed without the necessity of amending this Plan providing it complies with the policies of Section 3.10.1.3.

3.10.1.3 Council, before passing such a By-law, shall be satisfied that those of the following requirements which are relevant to the specific application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

1. The proposed extension or enlargement of the non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan, and the requirements of the Zoning By-law.
2. The proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use as established prior to the passing of the implementing Zoning By-law.
3. An application which would affect the boundary areas of different land use designations on the Schedules to this Plan will only be processed under these policies if it can be considered

SECTION 3 GENERAL PROVISIONS

as a "minor adjustment" permitted under the flexibility clause of Section 6.11 of this Plan. A major variance will require an amendment to this Plan.

4. The characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity. No amendment to the Zoning By-law shall be made if one or more of such nuisance factors will be created or increased so as to add to the incompatibility of the use with the surrounding area.
5. No amendment to the Zoning By-law shall be made if the proposed extension or enlargement would cause environmental or public health and safety problems.
6. The neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, shall also be extended to the established use in order to improve its compatibility with the surrounding area.
7. Traffic and parking conditions in the vicinity will not be adversely affected and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight conditions especially in proximity to intersections.
8. Adequate provisions have been, or will be, made for off-street parking and loading facilities.
9. Municipal water supply and sanitary sewers, where they exist in the serviced area of the Village, are adequate, and private water supply and sanitary sewage services are, or can be made, adequate in unserviced areas of the Village. As well, other services such as storm drainage and roads, etc., are, or can be made, adequate.

3.10.2 Minor Variances

1. Section 45 of the Planning Act concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of the Zoning By-law, provided the minor variance(s) is desirable for the appropriate development or use of the land building or structure, and provided the general intent and purpose of the Official Plan and Zoning By-law are maintained.
2. Where a minor variance is sought on a lot which is a waterfront lot, the minor variance generally should not further reduce a deficient waterbody setback. Further, the Committee may require, as a condition of granting the minor variance, that natural shorelines and native vegetation within the waterfront setback be re-established along those portions of the shoreline which are not used for marine facilities or access to the water.

SECTION 3 GENERAL PROVISIONS

3.11 FINANCIAL CONSIDERATIONS

When considering development proposals, Council shall have regard to the financial position of the Village and shall attempt to secure and maintain a satisfactory ratio between residential assessment and industrial-commercial assessment. In this regard, the timing, nature and location of new development shall be such that the demand for municipal services is not excessive in relation to the taxable assessment.

The provision of services to all new development will, wherever possible, be the responsibility of the developer through an agreement with the Village.

From time to time, in consultation with the appropriate agencies, Council shall review any increase in municipal costs for the provision of services which is attributed to severance activity. The results of these reviews shall serve, in part, as the basis for Council's recommendations on severance applications and shall be made available to the Land Division Committee for use in evaluating severance applications.

3.12 FISHERIES

All waterbodies in the Village have the potential to be fish habitat. The spawning grounds, and nursery, rearing, food supply and migration areas on which fish depend, directly or indirectly, in order to carry out their life processes constitute fish habitat. Council will only permit development that has no negative impacts on fish habitat or, in exceptional circumstances, where the responsible authorities permit compensation.

The Ministry of Natural Resources has identified significant fisheries in the Village. Council will encourage and support the responsible authorities in their efforts to maintain, or where required, improve the quality of fish habitat in the Village, in accordance with the Ontario Fish and Wildlife Conservation Act, and the Canada Fisheries Act. Council will also encourage and support the responsible authorities in their efforts to achieve Provincial Water Quality Objectives.

- 3.12.1 Council will only permit development and site alteration in or within 30 m of fish habitat if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the area.
- 3.12.2 In reviewing applications for development and site alteration, including the creation of new lots immediately adjacent to, or within 30 m of, a waterbody, Council will require the developer to undertake an Environmental Impact Study in accordance with the provisions of Section 3.8 of this Plan.
- 3.12.3 In addition, Council will request comment from the Conservation Authority and, in the case of the Rideau Canal National Historic Site of Canada, Parks Canada with respect to development adjacent to waterbodies.

SECTION 3 GENERAL PROVISIONS

3.13 FLOOD AND FILL LINES

For the purposes of this Plan, the flood plain is that area covered by water in the event of 1:100 year flood. The 1:100 year flood is the regional storm for Eastern Ontario. Generally, no new development is permitted in the flood plain.

The Rideau Valley Conservation Authority has mapped the 1:100 year flood plain for all of the Rideau River frontage in the Village. Other watercourses throughout the Village will have associated flood plains which have not been mapped.

The Conservation Authority administers a development regulation under Section 28 of the Conservation Authorities Act which requires written permission of the Authority prior to filling or changing grades and for construction or reconstruction, including any addition to a building or structure irrespective of the nature of the addition, within the 1:100 year flood plan of the Rideau River. Where development is proposed adjacent to other watercourses, the Conservation Authority will assess the proposal to determine whether additional studies need to be undertaken by the applicant to determine the flood risk associated with the site.

As well, the Authority's written permission is required prior to altering, straightening, changing, diverting or interfering with any watercourse throughout the Village.

The 1:100 year flood plain of the Rideau River is shown on Schedules A-2 and B-2. Development below the flood line shall be restricted in accordance with the following policies.

1. Generally, no development shall be permitted in a flood plain, except for flood or erosion control structures and shoreline stabilization. However, development may be permitted in accordance with the land use designation shown on Schedules A-1 and B-1. Agriculture, forestry, wildlife management, outdoor education and conservation uses shall be permitted. In addition, public or private parks, marine facilities such as docks and boathouses, or other outdoor recreation uses such as golf courses, may also be permitted subject to the policies of the underlying land use designation, provided that the use is considered to be sustainable within the floodway. The erection of permanent buildings or structures, the placement of temporary buildings or structures, and the placing or removal of fill of any kind shall not be permitted unless approved by the Conservation Authority. It is intended that the lands are to be managed so as to complement adjacent land uses and to protect them from any physical hazards or their effects.
2. Development may be permitted on an existing lot of record in accordance with the underlying land use designation only if the development is undertaken in accordance with the regulations of the Conservation Authority and all of the following can be achieved:
 - the hazards can be safely overcome, the development and site alteration is carried out in accordance with established standards and procedures, new hazards are not created, and existing hazards are not aggravated;
 - no adverse environmental impacts will result;
 - vehicles and people have a safe way to enter and exit the area during times of flooding,

SECTION 3 GENERAL PROVISIONS

erosion and other emergencies; and,

- the development does not include institutional uses or essential emergency services, or the disposal, manufacture or storage of hazardous substances.
3. Development may also be permitted on a new lot in accordance with the underlying land use designation, provided that buildings and structures are located on a portion of the lot which is located outside the flood plain, and that the applicable requirements of Section 3.13.2 above are met.
 4. Development between the flood and fill lines may be permitted in accordance with the underlying land use designation, subject to written permission from the Conservation Authority and upon such terms and conditions as may be imposed by the Conservation Authority.
 5. The Village shall encourage the owners of existing development within a flood plain to address potential hazards in accordance with the policies of this Plan. Floodproofing protection should be made to existing buildings that are located within the 1:100 year flood plain in accordance with established standards and procedures in consultation with the Conservation Authority.

3.14 FOREST RESOURCES

There are also significant forest resources throughout the Village. This Plan recognizes the importance of these resources for their economic, social, and environmental benefits through the following policies.

1. Public and private landowners shall be encouraged to reforest idle lands and to maintain the forested appearance of the landscape. Forests should be managed to protect provincially, regionally, or locally significant wildlife habitat, as identified from time to time.
2. Landowners of properties identified as having a high forestry potential should be encouraged to enter into management programs with the appropriate authorities.
3. Reforestation shall be undertaken as soon as possible following logging. Appropriate regeneration shall be required and prescribed by a Registered Professional Forester or other qualified expert.
4. Council shall not approve any development on lands that are subject to an agreement under the Forestry Act, unless the proposed development is acceptable to the United Counties of Leeds and Grenville as the appropriate authority for Agreement Forests.
5. In considering all development proposals, Council shall have regard to the County's Tree Cutting By-law.
6. A significant forested area can be based on a variety of characteristics which may include, but is not limited to, the following:

SECTION 3 GENERAL PROVISIONS

- natural and cultural heritage values (for example, a stand of old white pines);
- rarity of the ecological community or species;
- habitat value (for example, stands of oak that provide food for game species);
- proximity to other natural heritage features and areas (for example, wildlife corridors);
- contribution to water quality and quantity;
- protection against soil erosion (for example, shallow soils); and,
- potential for sustainable harvest of woodland product (for example, sugar bush or highly valued hardwood timber).

Forested areas of the Village are shown on Schedules A-2 and B-2. In considering development proposals, other than agricultural uses, logging, maple syrup production and similar uses, within or adjacent to forested areas, Council may require an Environmental Impact Study in accordance with the policies of Section 3.9.

7. Council recognizes the important work of the Eastern Ontario Model Forest and intends that development approval decisions will support this work.

3.15 FRONTAGE AND ACCESS

3.15.1 No existing lot shall be developed and no new lot shall be created unless the lot has frontage on and direct access to an open public road which is maintained year round.

3.15.2 Notwithstanding the foregoing, the following uses may be exempted:

1. Limited Services Residential uses;
2. Certain Tourist Commercial uses such as campgrounds and marinas, provided the use is located on a waterfront lot; and,
3. Certain rural uses such as agriculture, conservation, forestry, hunting and fishing camps, except that a dwelling is not permitted.

3.15.3 Access to other uses from a private road, right-of-way or unopened road allowance may be permitted, provided the lot on which the use is to be located is an existing lot and that it fronts on an open public road which is maintained year round, but to which direct access cannot safely be provided because of limited sight lines.

3.16 GROUP HOMES

A group home is defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents, who by reason of their emotional, mental, social or physical condition require a group living arrangement. The home is licensed or approved under Provincial Statute and in compliance with Municipal by-laws. This definition does not include residences for young offenders, adult offenders, boarding houses or lodging houses.

The establishment of a group home shall be subject to the following policies.

SECTION 3 GENERAL PROVISIONS

1. A group home shall be permitted in all zones in the comprehensive Zoning By-law in which a single detached dwelling is permitted as a principal use, except in the Limited Services Residential zone.
2. The Zoning By-law may establish other appropriate requirements such as a minimum distance separation between group homes and parking standards, in addition to the zone regulations in which the group home is located.
3. Group homes shall be restricted to single detached dwellings, except that a group home may be located in a semi-detached dwelling unit and a duplex dwelling unit, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten residents.

3.17 HABITAT OF ENDANGERED AND THREATENED SPECIES

The municipality is richly endowed with natural features. The habitat of endangered and threatened species forms part of an overall natural heritage system consisting of both provincially and locally significant assets. Together, these features form an inter-dependent natural heritage system. Council will work with the Ministry of Natural Resources to develop a mutually acceptable protocol for sharing information regarding such natural heritage features. Council will work with the Ministry of Natural Resources, the Conservation Authority and the United Counties to identify possible sources of funding for studies to conserve these natural heritage resources. In this regard, reference shall be made to the when conducting an Environmental Impact Study pursuant

- 3.17.1 While no habitat of endangered or threatened species has been identified to date within the Village, the Ministry of Natural Resources has mapped suitable portions of Loggerhead Shrike habitat. Where development is proposed within these areas, the applicant shall consult with the Ministry of Natural Resources and the Village to refine and update this mapping. Where an Environmental Impact Study is required pursuant to Section 3 of this Plan reference shall be made to this mapping and to the Species at Risk in Ontario List as published by the Ministry of Natural Resources.
- 3.17.2 Should any significant portions of the habitat of endangered or threatened species be identified in the Village in future, Council will contact the Ministry of Natural Resources to develop a mutually acceptable protocol for sharing information regarding such natural heritage feature or area.
- 3.17.3 Where such areas or features are identified, the following policies shall apply:
 1. Development and site alteration shall not be permitted in significant portions of the habitat of endangered or threatened species.
 2. Approval authorities shall not permit development where the development review process confirms the existence of significant portions of the habitat of endangered or threatened species.

SECTION 3 GENERAL PROVISIONS

3. Development and site alteration may be permitted within 50 m of significant portions of the habitat of endangered or threatened species if it has been demonstrated through an Environmental Impact Study in accordance with the policies of Section 3.9 of this Plan that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

3.18 HERITAGE CONSERVATION

3.18.1 Archaeological Resources

1. Council recognizes that there may be archaeological remains of pre-historic and historic habitation, or areas containing archaeological potential within the boundaries of the Village. These resources may include the remains of buildings, structures, activities, places or cultural features which, due to the passage of time, are on or below the surface of land or water, or significant to the understanding of people or place. Some of these resources are of particular interest as they may provide an enhanced understanding of the history of First Nations peoples and the early settlement of the Village. Where there are known archaeological resources and/or areas exhibiting archaeological potential, Council shall require an archaeological survey to be conducted by an archaeologist licensed to the satisfaction of the Village and Ministry of Culture (MCL) pursuant to the Ontario Heritage Act prior to approving a development proposal. Any significant archaeological resource that is identified may be preserved on site to ensure that the integrity of the resource is maintained, and/or may be systematically removed through excavation by a licensed archaeologist.

Archaeological potential is confirmed when a property contains or is located within at least one of the following:

- 250 m of a known archaeological site;
 - 300 m of a primary water source such as a lakeshore, river, large creek, etc.;
 - 300 m of an ancient water source as indicated by a beach ridge, river bed, etc.;
 - 200 m of a secondary water source such as a wetland, marsh, small creek, spring stream, etc.;
 - elevated topography such as knolls, drumlins, eskers, plateaus, etc.;
 - pockets of sandy soil in a clay or rocky area;
 - unusual land formations such as mounds, caverns, waterfalls, etc.;
 - an extractive area for food or other scarce resources;
 - non-aboriginal settlement features such as monuments, cemeteries, etc.;
 - historic transportation features such as roads, rail lines, portages, etc.;
 - designated properties (consult Municipal Heritage Committee or Clerk's office);
 - local knowledge which associates property with historic events, activities or occupations.
2. Council may also maintain the integrity of archaeological resources by adopting Zoning By-law(s) to prohibit any land use activities or the erection of buildings or structures on land which is the site of a significant archaeological resource.
 3. Council, with the advice of the Ministry of Culture, may undertake the preparation of an Archaeological Master Plan. The Master Plan will identify and map known archaeological

SECTION 3 GENERAL PROVISIONS

sites registered with the Provincial Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.

4. Council shall consult with appropriate government agencies, including the Ministry of Culture (MCL) and the Ministry of Consumer and Business Services (MCBS) when an identified historic human cemetery and marked or unmarked human burial site is affected by a proposed development. In such circumstances, the provisions of the Heritage Act and the Cemeteries Act shall apply.

3.18.2 Built Resources

Council recognizes the importance of encouraging the preservation of buildings and properties of historic or architectural value. To this end, the approval of Official Plan Amendments, plans of subdivision, severances, Zoning By-laws, site plans and building alterations or renovations shall be guided by the following policies:

1. Council will examine buildings and sites in the Village with regard to the desirability and suitability for restoration, conservation and preservation purposes.
2. A historic building which is deemed suitable by Council for restoration may be restored to a standard not entirely consistent with modern building design, but nonetheless in accordance with the Building Code Act, subject to Council entering into an agreement with the owner with respect to future uses, timing and extent of restoration, external landscaping and maintenance.
3. The Ontario Heritage Act will be implemented to conserve, protect and enhance the heritage of the Village through the designation of individual properties and/or areas of architectural and historical significance. Where a heritage conservation district has been designated under the Act, plans for the area or areas will be prepared in accordance with the Guidelines established by the Ministry of Culture and will be submitted to that Ministry for endorsement prior to implementation by Council.
4. Council may establish and maintain a Municipal Heritage Committee (MHC) in accordance with the provisions of the Ontario Heritage Act.
5. Council, in consultation with the owner and the MHC may designate properties by by-law passed under the Ontario Heritage Act for the conservation of properties of cultural heritage value or interest such as buildings, heritage conservation districts, cultural heritage landscapes and archaeological sites. Thereafter, the provisions of the Act with regard to the alteration of the designated properties or the demolition of buildings or structures situated on the properties shall apply.
6. A Heritage Building or Property shall be preserved in the following manner:
 1. Council shall consult with its MHC before giving notice of its intention to designate a property to be of historical or architectural value or interest.
 2. The significance of the property in illustrating or interpreting the heritage of the Village

SECTION 3 GENERAL PROVISIONS

should be judged by the basic criteria of architectural merit and historical association. In general, the property should illustrate effectively the broad architectural, cultural, social, political or economic patterns of the Village's history or should be associated or identified with events or persons that have shaped that history in a significant way.

3. After considering the report of the MHC, Council may pass a By-law designating the property and cause a copy of the By-law, together with the reasons for the designation, to be registered against the property in the proper land registry office. It is Council's policy to require consent of the owner before passing such a By-law.
4. Alterations to a designated building or property shall be made in accordance with the following policies:
 - No owner of property designated shall alter the property or permit the alteration of the property where the alteration is likely to affect the reason for the designation, unless Council consents in writing to such alteration.
 - An application made under Section 3.18.2.6.4 shall be accompanied by a detailed plan and shall set out such information as Council may require.
 - Council, after consultation with its MHC, shall consider an application under Section 3.18.2.6.4 and shall consent to the application, upon certain terms and conditions, or refuse the application, and shall cause notice of its decision to be given to the owner.
5. Owners wishing to demolish or remove a designated building must apply to Council for consent to demolish or remove such building.
6. No owner of property designated shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property within 180 days subsequent to making application to Council.
7. Council may pass By-laws providing for the acquisition, by purchase, lease or otherwise of any designated property or part thereof, including any interest therein, and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as Council considers necessary.
8. Council may pass By-laws providing for the making of a grant or loan to the owner of the property designated under this Section for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe.
9. The Conservation Review Board will hold such hearings and issue such reports as required under the Ontario Heritage Act.

3.18.3 Heritage Conservation District(s)

Council may designate Heritage Conservation District(s) under the Ontario Heritage Act in areas containing significant cultural heritage characteristics.

SECTION 3 GENERAL PROVISIONS

3.18.4 Special Heritage Policy Areas

Prior to considering the designation of Heritage Conservation Districts, Council shall be guided by the following policies when considering development applications and public works projects.

1. Special Heritage Policy Area 1 is located along the Rideau Canal in the rural portion of the Village and is shown on Schedule A-2. In this area, the main policy objective is to preserve the rural character of the canal by ensuring that development occurs in accordance with the waterfront development policies in Section 3.27 of this Plan. In addition, where development is proposed within sight of a lock station, the architecture and landscaping should be compatible with the historic design of the lock station. Council will consult with Parks Canada and the MHC to identify potential areas along the canal for designation as Heritage Conservation Districts to further ensure the protection of significant cultural landscapes.
2. Special Heritage Policy Area 2 is located in the urban portion of the Village, including the land along the Rideau Canal and the land that comprises the historic central area of Merrickville, and is shown on Schedule B-2. In this area, the main policy objective is to preserve and enhance the historic character of Merrickville by encouraging the preservation of existing buildings and structures and by ensuring that new development and redevelopment takes place in accordance with the Design Guidelines contained in Appendix A of this Plan.

3.18.5 Public Works

Council shall have regard to all cultural heritage resources in undertaking municipal public works. When necessary, Council will require satisfactory measures and/or impact assessments to mitigate any negative effects on such resources in accordance with the policies of this Section of the Plan.

3.19 INFLUENCE AREAS

- 3.19.1 Schedules A-2 and B-2 show areas of the Village where development may be restricted or prohibited, including Areas of Natural and Scientific Interest (see Section 3.4), Flood and Fill Lines (see Section 3.13), land which is subject to special heritage conservation policies (see Section 3.18), and land adjacent to a wetland (see Section 3.20).
- 3.19.2 Schedules A-2 and B-2 also show influence areas adjacent to certain designated land uses where development, particularly residential development, may also be restricted or prohibited because of the potential incompatibility with the adjacent designated land uses. These influence areas are:
 - 500 m from an open or closed solid waste disposal site (also see Section 4.4.2);
 - 500 m from an open quarry and from the boundary of land designated Aggregate Resource-Quarry (also see Section 4.3.6);
 - 300 m from an open pit and from the boundary of land designated Aggregate Resource-Pit (also see Section 4.3.6);

SECTION 3 GENERAL PROVISIONS

- 100 m from the Village's sewage treatment plant;
- 300 m from a designated Salvage Yard (also see Section 4.3.8); and,
- 1,000 m from a designated Mineral Resource area (also see Section 4.3.7).

Not shown on the Schedules are the areas of Archaeological potential referred to in Section 3.18.1.

3.19.3 Development may be permitted within the influence areas in accordance with the policies of the underlying land use designation, subject to the following additional policies.

- 1 The permitted uses shall be restricted to those uses which are permitted in the underlying land use designation and which are considered to be compatible with the adjacent designated land uses. This policy generally prohibits residential uses within the influence areas; however, residential uses may be permitted in consultation with the public agency having an interest in the influence area.
- 2 Prior to approving any development within the influence areas, Council shall require the applicant to undertake a study in order to identify the impact of the proposed development on the adjacent designated land use, and vice versa. The study shall also identify what measures can be undertaken to mitigate the impact. Any such study shall be undertaken in accordance with the requirements of the Province and Village.
3. Where the designated land use ceases operation, either by the closing of a waste disposal site or the surrendering of a license to operate a pit or quarry, the policies of this Section will continue to apply to the extent that the study referred to above shall be required, with necessary modifications, prior to the approval of any development.

3.19.4 While not designated on Schedules A-2 and B-2, all shorelines are considered to be influence areas. Development next to a shoreline is subject to the policies of Sections 3.12 and 3.27 of this Plan.

3.19.5 Other separation distances between residential uses and potentially incompatible uses may be established in the implementing Zoning By-law.

3.19.6 It is recognized that there are many areas of the Village where there are other sensitive environmental features. These include the Limerick Forest, the Migratory Bird Sanctuary, as well as locally significant wetlands, unmapped flood plains, steep slopes or unstable soils, not all of which have not been identified on the Official Plan Schedules. Where such land is identified through the development approval process, Council may require that it be placed in a separate Environmental Protection Zone, as a condition of development approval, to prohibit or restrict development in a manner which is consistent with the policies of this Plan for such similar features and constraints that have been identified on the Official Plan Schedules.

3.20 LAND ADJACENT TO A WETLAND

3.20.1 Provincially Significant Wetlands are designated Wetland on Schedules A-1 and B-1. Land

SECTION 3 GENERAL PROVISIONS

which is located within 120 m of the boundary of a Wetland designation is shown as an overlay designation on Schedules A-2 and B-2. Development is permitted within 120 m of the boundary of a Wetland designation in accordance with the policies of the underlying designation, subject to the following additional policies.

- 1 Prior to approving any development, Council shall require the applicant to undertake an Environmental Impact Study, in accordance with the policies of Section 3.9. Council shall permit development and site alteration only if the Environmental Impact Study shows that there will be no negative impacts on the wetland features or ecological functions.
 2. Where the development may affect the bed of the Rideau Canal, the Environmental Impact Study shall also be undertaken in accordance with the requirements of the Parks Canada.
- 3.20.2 Where development is proposed next to a locally significant wetland that is connected, or adjacent, to a major waterbody, the policies of Section 3.27 shall also apply.
- 3.20.3 Nothing in the foregoing policies is intended to prevent the continuation of existing agricultural uses.

3.21 LAND USES NOT CONSIDERED IN THIS PLAN

- 3.21.1 It shall be a policy of this Plan that any proposed new development or redevelopment which would introduce a land use which is different from those uses described in this Plan in terms of scale, purpose or nature, and neither envisioned nor contemplated heretofore by Council, shall be subject to detailed land use, marketing and/or impact studies, and any other studies deemed necessary by Council prior to Council considering any such development proposal. The intent of this policy is that the onus will be on the developer to ensure that the introduction of a use into the community would not be to the detriment of the municipality's economic, social, cultural, natural and environmental conditions and financial base, would not adversely impact on existing development and on municipal services, and would not require additional municipal or community services.
- 3.21.2 In addition, Council would encourage the developer of such a use to consult with the public and any affected government agency prior to submission of a development application to ensure that the public is made familiar with the purpose and effect of the proposed development.
- 3.21.3 New land use developments, as described herein, shall only be approved by an amendment to this Plan. Council may consider placing the development lands in a holding zone pending a development agreement with the municipality.

3.22 NOISE ATTENUATION

Prior to permitting development that may cause noise or be affected by noise from an existing source (for example, highway, railway, airport, quarry, etc.), Council may require a developer to undertake studies to determine the impact of noise on existing or proposed residential development and other sensitive land uses in accordance with the following policies.

SECTION 3 GENERAL PROVISIONS

- 3.22.1 Council may request that a noise study be prepared for development proposals within 500 m of a main railway and 100 m from County and Village roads.
- 3.22.2 Feasibility and noise studies are required where a proposed development is within the influence area of a stationary noise source (for example, industrial uses, aggregate extraction operations, etc.) or, conversely, where existing sensitive land uses are located within the influence area of a proposed development that is a potential stationary noise source. The extent of the influence area(s) is case-specific and is dependent upon such factors as the type and scale of the stationary noise source, intervening topography and intervening land uses.
- 3.22.3 Where feasibility and/or noise studies are required, they shall be undertaken by qualified experts in accordance with the guidelines of the relevant Ministries.

3.23 PARKLAND

Generally, additional parkland will only be required where community development is taking place and, in this regard, Council shall take advantage of the parkland dedication (or cash-in-lieu payments) as provided in the Planning Act under Sections 42 and 51 when considering plans of subdivision and severances. Where development is large enough that the 5% parkland dedication would constitute an appropriate park size and where there is insufficient parkland available within a reasonable distance, Council shall require that land be dedicated for park purposes. However, where the lands to be conveyed are too small or there is already sufficient parkland in the vicinity, the cash-in-lieu payment should be required. This money shall be used for purchasing and developing park sites. Where sufficient parkland cannot be obtained through the parkland dedication provisions of the Planning Act, Council should set aside funds to acquire and develop the parklands.

3.24 PUBLIC AND INSTITUTIONAL USES

- 3.24.1 Except as otherwise provided elsewhere in this Plan, public utilities and other public, community, institutional or quasi-institutional uses which provide services to the general public shall be permitted as follows:
1. Public utilities such as roads, water and wastewater services, hydro, natural gas, telephone and telecommunications infrastructure, railways, etc. shall be permitted in all land use designations on Schedules A-1 and B-1 subject to the criteria listed herein. Public utilities shall also be permitted in all Zones in the implementing Zoning By-law.
 2. Other public, community, institutional or quasi-institutional uses may also be permitted in all land use designations on Schedules A-1 and B-1, except the Agricultural, Wetland, Aggregate Resource, Salvage Yard and Mineral Resource designations, subject to the criteria listed herein. In areas of good agricultural land (Class 1 to 3) in the Rural designation, such uses should be located, wherever possible, on lands of lower agricultural capability and should only be permitted in accordance with the lot creation policies of Section 3.7 of this Plan. Certain of these uses shall be permitted in all Zones in the implementing Zoning By-law while others will require site-specific zoning.

SECTION 3 GENERAL PROVISIONS

3. The following criteria apply to all uses permitted under this Section of the Plan:

- the use is necessary in the area, that it can be made compatible as far as practical with its surroundings, and that adequate measures are taken to ensure this compatibility;
- adequate off-street parking and loading facilities are provided;
- the construction of permanent buildings shall be limited and generally discouraged in any areas which may be environmentally sensitive; and,
- the general intent of the policies of this Plan, including the policies related to municipal servicing (see Section 6), Influence Areas (see Section 3.19) and Environmental Impact Studies (see Section 3.9), and of the site plan control requirements contained in this Plan shall be satisfied (see Section 7.3).

3.24.2 Notwithstanding the power of Provincial agencies or local Boards, as defined in the Planning Act, to undertake public works by authority granted under other statutes, Council shall ensure to the extent possible that such development will follow the general intent of this Plan and will be compatible with the type, quality and character of development in the area in which it is proposed.

3.25 RURAL CHARACTER

A large portion of the Village is comprised primarily of rural land on which traditional rural land uses are located, notably agricultural uses, but also including forestry uses, pit and quarry operations, rural industrial uses, etc. This Plan is intended to recognize these traditional uses as being an integral part of the rural character of the Village. In this regard, future developers and residents of the Village should be aware that there are certain activities associated with these uses which result in noise, odour, traffic, hours or seasons of operations, etc., which may be viewed as being incompatible with other uses, particularly rural non-farm residential uses. It must be recognized, however, that these associated activities also form part of the rural character of the Village and must of necessity continue, so that those who may seek to develop or reside in the Village can expect to continue to encounter such activities.

3.26 SIGNIFICANT WILDLIFE HABITAT

3.26.1 Significant wildlife habitat means areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual lifecycle and areas which are important to migratory or non-migratory species.

3.26.2 Development and site alteration may be permitted in significant wildlife habitat if it has been demonstrated through an Environmental Impact Study, conducted in accordance with Section 3.9 of this Plan, that there will be no negative impacts on the natural features or ecological functions for which such area is identified.

3.26.3 Approval authorities shall apply the policies of this Section where the development review

SECTION 3 GENERAL PROVISIONS

process identifies the presence of significant wildlife habitat.

3.27 WATERFRONT DEVELOPMENT

- 3.27.1 It shall be Council's policy to require an appropriate setback for all buildings, structures and septic systems and for site alteration or soil disturbance from the normal high water mark of a waterbody. Council shall seek a minimum setback of 30 m, except as may be required within or adjacent to a flood plain, except for marinas and marine facilities, or except where an Environmental Impact Study shows that a reduced setback will cause no negative impacts on fish habitat or any other natural features or ecological functions for which the area is identified. In this regard, Council shall consult with the Conservation Authority and, in the case of the Rideau Canal, Parks Canada. Alternatively, Council may require an increased setback in accordance with the findings of an Environmental Impact Study, where required by the policies of this Plan.
- 3.27.2 Prior to the issuance of a building permit, the applicant shall be required to submit a plot plan which illustrates the location of all buildings and structures on the lot, the proposed access to the shoreline, the extent to which the shoreline and shoreline vegetation within the waterbody setback is to be left undisturbed, and the mitigation measures to be implemented where the shoreline and shoreline vegetation within the watercourse setback have been previously altered or are disturbed as a result of a proposed development. This policy shall be reflected in the implementing Zoning By-law under the authority of Section 34 (1) 3.2 of the Planning Act. Applicants are encouraged to consult the Conservation Authority, Parks Canada in the case of land along the Rideau Canal, or other recognized professional in this regard. Prior to accepting a plot plan, Council may also consult these public agencies.

3.28 WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS

3.28.1 Wayside Pits and Quarries

Wayside permits are considered for the supply of aggregates from a temporary pit or quarry, by a public authority or any person who has a contract with a public authority, for the purpose of a road construction or road maintenance project, where the pit or quarry is located outside the limits of the right-of-way of the road and is not under license or permit.

Wayside pits and quarries shall be permitted in accordance with the following provisions.

1. Wayside pits and quarries used on public authority contracts will be permitted, without the need for an Official Plan Amendment, rezoning, or development permit under the Planning Act, in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
2. Arrangements shall be made for the rehabilitation of the subject lands after use or in stages during use. On prime agricultural land in prime agricultural areas, the extraction of mineral aggregate resources is permitted as an interim use and sites used for a wayside pit or quarry should be rehabilitated for agricultural use.

SECTION 3 GENERAL PROVISIONS

3. There is an agreement with the operator that the operation of the wayside pit or quarry will be conducted in accordance with the Aggregate Resources of Ontario Provincial Standards.
4. No polluted water from washing or screening operations shall be discharged into any creek or watercourse.
5. Where dewatering is proposed, the operator shall contact the Ministry of the Environment to determine if any approvals are required, and shall undertake an impact assessment, in consultation with the Conservation Authority, on the receiving watercourse.
6. Such uses are not located so as to adversely affect existing development.

3.28.2 Portable Asphalt and Concrete Plants

A portable asphalt plant is a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

A portable concrete plant is a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

The following policies apply to the establishment of portable asphalt and concrete plants.

1. Portable asphalt and concrete plants used on public authority contracts shall be permitted without the need for an Official Plan Amendment, rezoning, or development permit under the Planning Act, in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.
2. Portable asphalt and concrete plants must comply with the separation distance criteria and must obtain a certificate of approval from the Ministry of the Environment.
3. In areas designated Agricultural and on prime agricultural land (Class 1 to 3) elsewhere in the Village, sites used for portable asphalt and concrete plants are permitted as an use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.

SECTION 4 LAND USE DESIGNATIONS

4.1 INTRODUCTION

The Village of Merrickville-Wolford is comprised of both urban and rural areas. Merrickville is the urban centre of the Village while the balance of the Village, including the rural Hamlets, comprises the rural area.

Both the urban and rural areas of the Village are divided into various land use categories which establish, in general terms, the intended pattern of development. These land use designations are shown on Schedules A-1 and B-1, and the related policies have been organized as follows:

- Section 4.2 describes the land use designations which apply exclusively to the urban area (see Schedule B-1);
- Section 4.3 describes the land use designations which apply exclusively to the rural area (see Schedules A-1); and,
- Section 4.4 describes the land use designations which apply across the entire Village (see Schedules A-1 and B-1.

In addition, certain Public and Institutional uses are permitted throughout the entire Village, in accordance with the policies of Section 3.24 of this Plan.

In addition to the land use designations shown on Schedules A-1 and B-1, a number of specific development control areas have been identified and shown as overlay designations on Schedules A-2 and B-2. When considering a development proposal, the policies for these development control areas must be considered in conjunction with the land use policies contained in this Section of the Plan. The development control areas include:

- Areas of Natural and Scientific Interest (see Section 3.4)
- Flood plains (see Section 3.13)
- Influence areas for Waste Disposal Site, Salvage Yard, licensed pits and quarries, and Aggregate Reserve areas (see Section 3.19)
- Land adjacent to a Wetland (see Section 3.20)
- Special Heritage Policy Areas (see Section 3.18)

While not designated on Schedules A-2 and B-2, all shorelines are considered to be influence areas. Development next to a shoreline is subject to the policies of Sections 3.12 and 3.27 of this Plan. As well, other potentially significant features such as forested areas, significant wildlife habitat, fisheries, habitat of endangered and threatened species, etc. are subject to the relevant policies contained in Section 3 of this Plan.

SECTION 4 LAND USE DESIGNATIONS

4.2 URBAN LAND USE DESIGNATIONS

4.2.1 INTRODUCTION

4.2.1.1 The Merrickville urban area shall be developed in accordance with the land use pattern shown on the Land Use Plan, attached as Schedule B-1 to this Plan. The Land Use Plan establishes the pattern of development in general terms by dividing the urban area of the Village into six land use designations as follows:

- Residential
- Core Area
- Highway Commercial
- Business Park
- Open Space
- Institutional

The urban area includes all of the land which is currently serviced by municipal sanitary sewerage and/or water supply systems, plus an adjacent area extending approximately 400 m from the current servicing limits. Within this area, the following policies apply to all development, in addition to the specific policies related to the foregoing urban land use designations.

4.2.1.2 The Merrickville urban area shall only be expanded on the basis of a comprehensive review which demonstrates the following:

1. sufficient opportunities for growth are not available through intensification and redevelopment to accommodate the projected needs over the identified planning horizon;
2. the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, and protect public health and safety; and,
3. the impacts from the proposed expansion on existing agricultural operations are mitigated to the extent feasible.

4.2.1.3 There are three distinct service areas within the Merrickville urban area, as follows.

1. Two areas are identified as privately serviced area on Schedule B-1, both of which are intended to be developed on private wells and septic systems. One area is located in the southwest corner, and the other area is located in the northeast corner on the north side of the canal and east of the rail line.

The area in the southwest corner is an approved residential development on private services. This area can continue to be developed on private services but cannot be expanded.

The area in the northeast corner is a predominantly vacant area which, because of its relatively isolated location is also intended to be developed on private services. Again, this privately serviced area is not to be expanded.

SECTION 4 LAND USE DESIGNATIONS

2. The balance of the Merrickville urban area on the north side of the canal is partially serviced by the municipal water supply system. Sanitary sewage is treated by private septic systems. It is intended that this area can continue to be developed on partial services (municipal water supply and private septic systems) to round out the existing development. In this area, future development should be located and designed in such a manner as to allow infill and intensification in the event that it becomes fully serviced with both municipal water supply and sanitary sewer services.
3. The balance of the Merrickville urban area south of the canal is considered to be fully serviced with both municipal water supply and sanitary sewer services. It is intended that all development within the fully serviced area is to take place on full municipal services.

Notwithstanding the foregoing policies, all of the Merrickville urban area can be fully serviced in future should the capacity of the existing servicing systems be increased. If this occurs, it is intended that this Plan will be updated to reflect any changes to the above noted service areas; however, it is not a prerequisite that this Plan be amended prior to extending municipal services. Where full municipal services become available to either the privately serviced or partially serviced areas, new development, redevelopment and intensification will be permitted through the development approval process at the higher densities which are permitted in the fully serviced area.

Additional municipal servicing policies are contained in Section 6 of this Plan.

- 4.2.1.4 The current road pattern contributes significantly to the historic character of the urban area, and this pattern is to be maintained as the urban area expands by requiring that all future subdivisions incorporate a grid or modified grid road pattern except where necessary to avoid significant natural or cultural features. Road allowance widths are generally to be no more than 16 m unless a wider road allowance is required for safety reasons. Buildings should be located near the street and parking should be located at the side or rear of the buildings. As well, developers will be encouraged to adopt the Design Guidelines contained in Appendix A of this Plan.
- 4.2.1.5 Where new development or redevelopment takes place or additions or modifications are made to existing buildings or structures which are located within the Heritage Special Policy Area 1, as shown on Schedule B-2, the policies of Section 3.18 and the Design Guidelines contained in Appendix A shall apply. The Site Plan Control policies contained in Section 7.3 also apply to all medium and high density residential development and all non-residential development.
- 4.2.1.6 Council shall promote the historic character of the urban area through the adoption of a sign by-law, and through the use of street furniture, lighting fixtures and other public works that are consistent with the Design Guidelines contained in Appendix A

SECTION 4 LAND USE DESIGNATIONS

4.2.2 RESIDENTIAL

4.2.2.1 Intent of the Designation

The Residential classification shall mean that the land in the areas so designated shall be used predominantly for residential purposes.

4.2.2.2 Permitted Uses

The permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to high density apartment dwellings. In addition, uses which are complementary to the proper functioning of a residential area shall also be permitted. These shall include home occupation uses, institutional uses such as schools, nursing homes and churches, open space uses such as parks and community centres, neighbourhood commercial uses such as convenience stores, clinics, licensed daycares and similar uses which are compatible with residential uses, provided that steps are taken to protect the residential amenities of the area, such as provision for increased setbacks, landscaping, buffering, off-street parking, etc.

4.2.2.3 Policies

1. A wide range of dwelling types from low to high density development are permitted throughout the Residential designation. For the purposes of this plan; low density development shall not exceed 22.7 units per net ha (which may be exceeded to permit semi-detached and duplex dwellings), medium density development shall not exceed 35 units per ha, and high density development shall not exceed 60 units per ha.
2. Medium and high density residential uses and the permitted institutional and commercial uses, except those institutional uses that are permitted under Section 3.24, shall be established by an amendment to the Zoning By-law. In considering such an amendment, Council shall have regard to such issues as land use compatibility and traffic, and may impose limitations on the size, height and building mass of the proposed use. Council shall also consider the buffering policies of Section 3.5.
3. The permitted uses shall be zoned in separate zones in the Zoning By-law.

4.2.2.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.2.3 CORE AREA

4.2.3.1 Intent of the Designation

The Core Area designation includes the downtown together with additional, contiguous areas considered appropriate for the expansion of the downtown as the retail and service centre of the Village and surrounding rural area. The Core Area is also intended to include the institutional, public and residential uses, as well as the commercial uses, that are typically found in a downtown. It is to serve as the focal point of the Village's tourism, as well as providing a vibrant community core for the Village's residents.

4.2.3.2 Permitted Uses

The permitted uses include the full range of activities traditionally found in the downtown of an urban centre, including retail sales, personal and professional services, offices, hotels, motels, restaurants, clubs, facilities for entertainment, culture and recreation, and residential, open space and institutional uses.

Where land within the Core Area has traditionally been used for industrial purposes, it may continue to be used for such purposes, and may be so zoned in the implementing Zoning By-law.

Where land within the Core Area fronts on the Rideau Canal, the permitted uses shall also include water-oriented commercial uses such as a marina. However, where such land is located within the 1:100 year flood plain as shown by the overlay designation on Schedule B-2, no buildings or structures shall be permitted except for a marina excluding substantial infrastructure, and minor additions and repairs to existing buildings and structures, all of which is subject to Conservation Authority approval. As well, works and facilities related to flood and erosion control authorized under the Environmental Assessment Act are also permitted.

4.2.3.3 Policies

1. Council shall consider the development of a coordinated program to improve townscape features on publicly-owned lands and to support the improvement of privately-owned lands.
2. Council, in conjunction with the Chamber of Commerce, Historical Society and other interested organizations may establish a Business Improvement Association (B.I.A.), to implement an improvement plan covering such matters as signage, facades, lighting, parking, landscaping, street furniture and general maintenance. Council shall encourage the continued activity of all interested organizations in developing and maintaining a strong, vibrant Core Area and may undertake further improvement projects, in conjunction with the B.I.A., as the need arises.
3. Council will examine the opportunities available for funding downtown improvement projects, and will consider establishing priorities in the municipal capital budget specifically for downtown renewal.
4. Council shall encourage the preservation of historic landmarks and the maintenance of historic or architecturally significant buildings, in accordance with the historic preservation policies of this Plan.

SECTION 4 LAND USE DESIGNATIONS

5. In order to encourage a continuous, pedestrian-oriented shopping district, no further automobile gas bars or automobile service stations shall be permitted within the Core Area and parking lots should be located to the rear or side of all buildings.
6. In order to create a vibrant Core Area, Council will encourage residential uses in addition to the permitted commercial and public uses by permitting mixed-use commercial/residential buildings, by encouraging the rehabilitation and renovation of upper storeys of existing buildings for residential use, and by permitting residential development including intensification and redevelopment on the periphery of the Core Area. In the case of mixed-use commercial and residential buildings, commercial uses should generally not be located above residential uses. In implementing this policy, Council will also encourage the preservation of existing buildings, as opposed to demolition and replacement, in accordance with the Design Guidelines contained in Appendix A of this Plan.
7. It is not intended that the entire Core Area will necessarily develop in commercial uses. Accordingly, the Core Area will be zoned in separate Commercial, Residential, Institutional and Open Space Zones and expansion of the commercial area will only be permitted as logical extensions of the existing commercial area, in order to maintain a compact pedestrian-oriented commercial area and to avoid land use conflicts between commercial and other uses. Again, Council will encourage the preservation of existing buildings, as opposed to demolition and replacement, as the commercial area is expanded, in accordance with the Design Guidelines contained in Appendix A of this Plan.
8. Council will consider implementing a long range plan for the provision of off-street municipal parking and by encouraging the private sector to provide more efficient off-street parking through consolidating existing and proposed parking lots.
9. Council shall determine an appropriate standard for private off-street parking in the Core Area and may accept cash-in-lieu of parking where there is insufficient land to provide on-site parking. Where Council accepts cash-in-lieu of parking, the money collected shall be used exclusively to provide additional public parking.
10. Where possible off-street loading should be provided.
11. No open storage shall be permitted in the Core Area.
12. Buffering shall be required pursuant to Section 3.5 for commercial development located on lands abutting residential uses.
13. The Core Area abuts the Rideau Canal. Council shall assist Parks Canada in its implementation of the Rideau Canal Management Plan, and will encourage aesthetically compatible development and landscaping along the privately-owned portions of the Canal.

4.2.3.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.2.4 HIGHWAY COMMERCIAL

4.2.4.1 Intent of the Designation

The Highway Commercial designation shall mean that the predominant use of land in the area so designated shall be for commercial establishments primarily serving the motoring public and relying heavily upon automobile traffic for their existence, or which are service uses which do not directly serve the general public such as office and wholesale uses. Other commercial uses may be permitted which, due to their nature and operating requirements, require large sites or would be offensive to a pedestrian-oriented commercial environment such as that found in the Core Area.

4.2.4.2 Permitted Uses

The permitted uses in a Highway Commercial designation include the following and similar uses: automobile sales and service uses; public garages; hardware and home improvement stores; restaurants; convenience stores; factory outlet stores; catalogue stores; offices; hotels and motels; commercial sports and recreation establishments; equipment sales and rental; and wholesale uses.

4.2.4.3 Policies

1. Highway commercial uses shall be located on a County Road.
2. Where a highway commercial use is located adjacent to or opposite a Residential area, adequate buffering shall be provided pursuant to Section 3.5.
3. Access points to and from highway commercial uses shall be limited to curbed driveways at selected points, in accordance with the access control regulations of the United Counties of Leeds and Grenville.
4. Off-street parking and loading shall be provided in an amount adequate to serve the specific use.
5. Lighting poles and other surface utilities shall be carefully sited and signage shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area.
6. Shopping centre or campus style developments containing highway commercial uses, but limiting retail and personal service uses, may be permitted in Highway Commercial areas. An Official Plan Amendment shall be required for any shopping centre or campus style development that is primarily comprised of retail and personal service uses, and a market impact study which demonstrates that there will be no adverse impact on the Core Area shall be required for any shopping centre or campus style development that exceeds 3,000 m².

4.2.4.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.2.5 BUSINESS PARK

4.2.5.1 Intent of the Designation

The Business Park classification of land means that the lands so designated are intended to serve as major employment areas in the Village.

4.2.5.2 Permitted Uses

The permitted uses in the areas so designated shall be for light industrial uses, including warehousing, processing, manufacturing, assembling, fabricating, as well as office, office and business service uses, and similar employment uses. In addition, certain other compatible uses are permitted such as commercial uses accessory to the main business park uses, commercial uses primarily serving the business park area, wholesale uses, and accessory residential uses such as a caretaker's residence. The areas so designated are intended for uses which do not generate large sanitary sewer flows.

4.2.5.3 Policies

1. Council shall consider adopting urban design and landscaping guidelines for municipal and private business park(s). The guidelines will encourage a high standard of development in order to create aesthetically appealing employment areas.
2. Where a Business Park use is located adjacent to or opposite a Residential area, adequate buffering shall be provided pursuant to Section 3.5.
3. Access points to and from Business Park uses shall be limited to curbed driveways at selected points. Where a business park use is located on a County Road, driveways shall be in accordance with the access control regulations of the United Counties of Leeds and Grenville.
4. Off-street parking and loading shall be provided in an amount adequate to serve the specific use.
5. Lighting poles and other surface utilities shall be carefully sited and signage shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area.
6. Uses which are deemed to be an obnoxious use, pursuant to the Health Protection and Promotion Act, the Ontario Water Resources Act and the Environmental Protection Act shall not be permitted.

4.2.5.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.2.6 INSTITUTIONAL

4.2.6.1 Intent of the Designation

The land designated Institutional on Schedule B-1 is intended to be used for public and private institutional uses which provide services to the residents of both the urban and rural areas of the Village.

4.2.6.2 Permitted Uses

The permitted uses include public institutional facilities such as schools, government buildings (excluding industrial uses such as works yards), hospitals, museums, and open space uses such as community centres. In addition, private or quasi-institutional uses such as clinics, licensed day nurseries and churches, and institutional uses which include a residential component such as a nursing home are also permitted. Accessory uses such as gift shops, restaurants, etc. are permitted as part of the institutional use.

4.2.6.3 Policies

1. Existing institutional uses which are located outside the Core Area are designated on Schedule B-1. New institutional uses are permitted in all land use designations without an amendment to this Plan in accordance with the policies of this Section and of Section 3.24.
2. Notwithstanding the generality of the foregoing, new institutional uses, particularly large scale uses, should be located on a County Road.
3. Adequate off-street parking and loading areas shall be provided and the site development shall include measures such as landscaping and buffering in order to ensure that institutional uses in Residential areas are compatible with adjacent residential uses, pursuant to Section 3.5.
4. Institutional uses which serve the general public may be combined with parkland so that they can be integrated into a single site.
5. Institutional uses may be zoned in separate categories in the Zoning By-law.

4.2.6.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.2.7 OPEN SPACE

4.2.7.1 Intent of the Designation

The Open Space designation has been placed on existing, major recreational areas, uses and facilities owned by government bodies or public agencies. The Open Space classification of land shall mean that the predominant use of land in the areas so designated shall be for conservation and recreation, or similar uses.

4.2.7.2 Permitted Uses

Lands designated as Open Space are intended to be used for park and recreation uses, and for the conservation and protection of significant natural features. Such lands shall generally be kept free of buildings and structures, except for accessory buildings and structures which are necessary to serve the use, or which are recreational facilities such as arenas, pools, marinas, etc. Accessory uses such as gift shops, restaurants, etc. are permitted as part of the Open Space use.

4.2.7.3 Policies

1. In determining appropriate Open Space sites, Council shall endeavour:
 - to locate sufficient open space and recreation facilities accessible to all residential areas;
 - to cooperate with other public, quasi-public and private agencies in the provision of open space and recreational facilities; and,
 - To provide for walkways, trails and bicycle paths as part of a linked open space system.
2. Where any lands designated for Open Space use are under private ownership, this Plan does not intend that such lands will necessarily remain as Open Space indefinitely, nor shall it be construed as implying that the Open Space areas are free and open to the general public or that the lands will be purchased by a public authority. At any particular time, if proposals to develop such lands are made, and there is no public authority which wishes to purchase such lands in order to maintain them as Open Space, then an application for the redesignation of such lands for other purposes will be considered, having reference to the characteristics of the land, the proposed use, and the policies and objectives of this Plan.
3. If an application is made to change the designation of Open Space lands, Council will first determine if the land is required for public purposes and if it can be purchased by the Village or other public agency. If the land is not to be purchased, Council may give consideration to the proposed amendment to the Plan after taking into account:
 - the situation respecting any existing physical and/or environmental hazards and the potential problems which might arise by amending the Plan, and,
 - the proposed methods by which these problems may be overcome in a manner consistent with accepted engineering practice and resource management techniques.

SECTION 4 LAND USE DESIGNATIONS

4. For developing areas, the land requirements for neighbourhood parks will ordinarily be obtained in accordance with the policies of Section 3.23.
5. Open Space areas may also include institutional uses which serve the general public so that they can be integrated into a single site.
6. Where recreation or conservation projects are designed for public use, adequate parking areas shall be established and access points to parking areas shall be designed in such a manner that they will minimize the danger to pedestrians. Facilities such as ramps, walkways, and safe road crossings to enable people to access open spaces shall be provided, where possible.

4.2.7.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3 RURAL LAND USE DESIGNATIONS

4.3.1 INTRODUCTION

The rural area of the Village shall be developed in accordance with the land use pattern shown on the Land Use Plan, attached as Schedule A-1 to this Plan. The Land Use Plan establishes the pattern of development in general terms by dividing the rural area of the Village into seven land use designations as follows:

- Hamlet
- Rural
- Agricultural
- Mobile Home Development
- Aggregate Reserve
- Mineral Resource
- Salvage Yard

SECTION 4 LAND USE DESIGNATIONS

4.3.2 HAMLET

4.3.2.1 Intent of the Designation

The Hamlet designation is placed on the established settlement areas of the Village, and includes adjacent undeveloped land on which the Hamlets can be expanded. Existing development is characterized by a mixture of residential uses, commercial uses which serve both residents and tourists, and institutional uses such as schools and churches. The intent of the designation is to recognize the mixed-use nature of these areas and to permit them to expand, while ensuring that land use conflicts are minimized.

In addition to the uses permitted under the following policies for Residential Development, and for Commercial and Industrial Development, the policies of Section 3.24 which permit Public and Institutional Uses also apply to the Hamlet designation.

4.3.2.2 Residential Development

4.3.2.2.1 Permitted Uses

The permitted residential uses will be primarily single detached dwellings; however, all types of multiple residential development shall also be permitted.

4.3.2.2.2 Policies

1. Development shall be encouraged to take place by plan of subdivision; however, severances may be permitted.
2. Notwithstanding the generality of Section 4.3.2.2.1, severances shall not be granted where they would prohibit or restrict access to interior lands which are designated Hamlet.
3. Multiple residential uses shall be located:
 - where they have direct access to a County Road, subject to the access regulations referred to in Section 5.2.3;
 - where they have direct access to a Village road which is a principal access route into the Hamlet from adjacent rural areas; or,
 - on any other lot which has been identified for that purpose in a plan of subdivision.
4. Multiple residential uses shall be subject to Site Plan Control (see Section 7.3) and shall be zoned in a separate zoning category in the implementing Zoning By-law except as permitted in a mixed-use building.
5. The implementing Zoning By-law shall contain provisions to regulate parking, landscaping, buffering, setbacks, etc., in order to minimize potential land use conflicts between single detached dwellings and multiple residential dwellings.

SECTION 4 LAND USE DESIGNATIONS

6. Where Residential Development is proposed next to a waterbody, the applicant shall be required to submit a plot plan in accordance with the policies of Section 3.27 prior to the issuance of a building permit.

4.3.2.3 Commercial and Industrial Development

4.3.2.3.1 Permitted Uses

The permitted uses include the full range of general and tourist commercial uses which serve residents of the Village and tourists. Certain rural commercial and industrial uses may also be permitted if located in a subdivision designed for that purpose or if located on a County Road, subject to the access regulations referred to in Section 5.2.3, or on a Village road which is a principal access route into the Hamlet from adjacent rural areas.

4.3.2.3.2 Policies

1. Tourist commercial uses, general commercial uses, and rural commercial and industrial uses shall be zoned in separate categories in the implementing Zoning By-law.
2. The implementing Zoning By-law shall contain provisions to regulate access points, parking, loading, landscaping, buffering setbacks, etc. in order to minimize potential land use conflicts with adjacent uses and to ensure a high standard of development.
3. Where Commercial or Industrial Development is proposed next to a waterbody, the applicant shall be required to submit a plot plan in accordance with the policies of Section 3.27 prior to the issuance of a building permit.
4. Commercial and Industrial Development shall be subject to Site Plan Control (see Section 7.3).

4.3.2.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3.3 RURAL

4.3.3.1 Intent of Designation

The Rural designation is placed on all areas of the Village which have not otherwise been designated for a particular purpose under another land use designation. The Rural designation is intended to protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting. It is recognized that the majority of the Village's existing, as well as, future residential development will be located in the Rural designation. Other permitted uses will be carefully controlled in order to protect existing uses and the rural character of the Village, and to ensure that the Village's financial resources keep pace with development activity.

Public, institutional and open space uses are permitted in accordance with the relevant policies of Sections 3.24, 4.2.6 and 4.2.7, respectively. Other permitted uses shall be in accordance with the following policies.

4.3.3.2 Agriculture

1. Agricultural uses are permitted in the Rural designation and, where such uses exist, any future development which takes place within the vicinity of an existing agricultural use shall comply with the Minimum Distance Separation formula in accordance with the policies of Section 3.3. As well, any new agricultural use or expansion of an existing agricultural use within the vicinity of existing non-agricultural uses shall also comply with the Minimum Distance Separation formula.
2. Where development is proposed on lands which are designated Rural and which are located in a predominantly agricultural area, Council should consider, and may apply, the policies of the Agricultural designation as set out in Section 4.3.4.
3. Agricultural uses shall be subject to the nutrient management policies of Section 3.3.

4.3.3.3 Residential Development

Residential Development is defined as having frontage on and direct access to an opened public road which is maintained year-round. Residential Development may be permitted in the Rural designation accordance with the following policies.

1. New Residential Development shall take place in accordance with the lot creation policies of Section 3.7. In order to maximize the efficiency of servicing new Residential Development, Council shall encourage Residential Development to locate in close proximity to existing built-up areas within the Village. Notwithstanding the foregoing, however, Council shall not permit the creation or extension of strip development pursuant to the policies of Sections 3.7.2.3 and 3.7.2.4.
2. Residential Development on flat, open land will be discouraged. Such development shall be encouraged to locate in areas having natural tree cover, scenic views and/or rolling terrain. In designing residential subdivisions, attention should be given to the natural features, such as

SECTION 4 LAND USE DESIGNATIONS

mature forests, to ensure that the existing vegetation and terrain is disturbed as little as possible. In addition, the housing should be screened from view.

3. Where Residential Development is to be located next to a waterbody, the policies of Section 3.27 shall apply.
4. Generally, the permitted uses will be restricted to single-detached dwellings and accessory uses, and only one dwelling per lot shall be permitted.
5. Development by plan of subdivision shall not land-lock adjacent land and, where the adjacent land meets the criteria of this Plan for Residential Development, provision should be made for the future extension of the subdivision onto the adjacent land.

4.3.3.4 Limited Services Residential Development

Limited Services Residential Development is defined as abutting a navigable waterway and not having frontage on and direct access to an opened public road which is maintained year-round. Back lot development is not permitted as a form of Limited Services Residential Development. Access to Limited Services Residential Development may be provided via an unopened road allowance, private right-of-way, private road, or water. The residential uses include both seasonal dwellings and permanent dwellings.

Limited Services Residential Development may be permitted in the Rural designation in accordance with the following policies.

1. Limited Services Residential Development shall only be permitted by consent pursuant to the policies of Section 3.7, or on existing lots of record.
2. Limited Services Residential Development shall only be permitted on lots which abut a navigable waterway.
3. Limited Services Residential Development shall not be provided with such municipal services as road maintenance and snow removal. In addition, other public services, such as fire protection, police protection, school bussing, etc. shall be provided at the sole discretion of the responsible agencies.
4. Prior to the issuance of a building permit, the proposed water and septic systems must be approved by the Health Unit.
5. Conversions of seasonal to permanent dwellings may be permitted provided that, prior to the issuance of a building permit, the proposed water and septic systems are approved by the Health Unit.
6. Prior to the issuance of a building permit for Limited Services Residential Development, the applicant shall be required to submit a plot plan in accordance with the policies of Section 3.27.

4.3.3.5 Commercial Development

SECTION 4 LAND USE DESIGNATIONS

A wide range of commercial uses which are meant to serve the travelling public require or which require large sites and/or are not well suited to the Hamlet designation or the Merrickville urban area because of potential land use conflicts, such as automotive uses, garden centres, restaurants, agricultural-related uses, hotels and motels, retail stores and service uses are permitted. In addition, an accessory dwelling or dwelling unit is also permitted for most commercial uses.

Commercial uses may be permitted in the Rural designation in accordance with the following policies.

1. Most commercial development in the rural area should be located in the designated Hamlets; however, it is recognized that not all commercial uses are appropriate in the Hamlets because of land use incompatibility with residential uses, large site requirements, locational requirements, etc. Prior to approving commercial development, Council shall be satisfied that its location is appropriate.
2. Commercial uses shall be encouraged to locate on a County Road in clusters, plazas or campus style developments, and shall generally be discouraged from developing with individual access points in order to avoid adverse impacts on traffic flows. Individual access points to County Roads will only be permitted in accordance with the access regulations referred to in Section 5.2.3.
3. Notwithstanding the generality of policy 2 above, shopping centre and campus style development shall also be subject to the policies of Section 4.2.4 of this Plan.
4. Access points shall be limited to defined driveways at suitable locations and shall be limited in number.
5. Signs, lighting fixtures and other site features shall be carefully located in keeping with good site design and traffic safety practices.
6. Adequate off-street parking and loading facilities shall be provided.
7. Where commercial uses abut residential uses, increased setbacks and an adequate buffer shall be provided to protect the amenities of the residential uses in accordance with the policies of Section 3.5. The buffering requirements shall be set out in the implementing Zoning By-law.
8. New commercial uses shall only be permitted by an Amendment to the Zoning By-law.
9. Commercial uses shall be subject to Site Plan Control (see Section 7.3) and be zoned in a separate category and/or in combination with industrial uses in the implementing Zoning By-law.
10. Prior to the issuance of a building permit, the applicant shall be required to submit a site plan in accordance with the policies of Section 3.27 where the commercial development is located next to a waterbody.

4.3.3.6 Tourist Commercial Development

Tourist Commercial uses include the full range of commercial facilities that principally serve the

SECTION 4 LAND USE DESIGNATIONS

tourist trade including: hotels, motels, resorts, recreation facilities such as golf courses, ski centres, marinas, tent and trailer parks, campgrounds, summer camps, hunting and fishing camps, restaurants and similar uses that directly serve tourists. Institutional uses such as museums and an accessory dwelling or dwelling unit are also permitted.

Tourist Commercial Development may be permitted in the Rural designation in accordance with the following policies.

1. Council shall endeavour to concentrate Tourist Commercial uses into coherent groupings to provide a variety of services at key locations in the Village.
2. Tourist Commercial uses shall be located so that they are readily accessible to tourist traffic, either by water or by road, and, wherever possible, without passing through residential areas in order to avoid disruption to the residents of the Village.
3. Except where access is solely by water, Tourist Commercial uses should have frontage on and direct access to an open public road maintained year round.
4. Access points shall be limited to defined driveways at suitable locations and shall be limited in number.
5. Signs, lighting fixtures and other site features shall be carefully located in keeping with good site design and traffic safety practices.
6. Adequate off-street parking and loading facilities shall be provided.
7. Where Tourist Commercial uses abut residential uses, increased setbacks and an adequate buffer shall be provided to protect the amenities of the residential uses in accordance with the policies of Section 3.5. The buffering requirements shall be set out in the implementing Zoning By-law.
8. Tourist camps may be permitted subject to the following policies:
 - Tourist camps shall include seasonally operated parks for the temporary occupancy of persons in tents, cabins, recreational vehicles, and/or trailers together with accessory facilities, and shall not include mobile home parks.
 - Tourist camps should be located adjacent to, or in the immediate vicinity of, a notable feature of the Village which shall serve as the focus or theme of the development, and such a camp shall not be permitted to locate in areas where it would have an adverse impact on the existing or ultimate use of adjacent lands.
 - The implementing Zoning By-law shall contain regulations to control such matters as density, parking and setbacks.
 - The overall design of a tourist camp shall include pedestrian walkways, an internal road system designed for the efficient movement of vehicular traffic, adequate parking spaces, and shall retain the rural landscape, including trees, so as to create an aesthetically appealing commercial recreation area.

SECTION 4 LAND USE DESIGNATIONS

- Where a tourist camp is located on a waterbody, a communal waterfront area only shall be provided.
- 9. New Tourist Commercial uses shall only be permitted by a specific amendment to the Zoning By-law.
- 10. Tourist Commercial uses shall be subject to Site Plan Control (see Section 7.3) and shall be zoned in a separate category in the implementing Zoning By-law.
- 11. Prior to the issuance of a building permit, the applicant shall be required to submit a plot plan in accordance with the policies of Section 3.27 where the Tourist Commercial development is located next to a waterbody.

4.3.3.7 Rural Industrial Development

The permitted Rural Industrial uses include agricultural, forestry and other rural related industries as well as industries that require large sites and/or are not well suited to the Hamlet designation or the Merrickville urban area because of potential land use conflicts, such as trucking, building supply, concrete products and similar uses. The permitted uses must be able to operate on private services without danger of pollution or a serious drawdown of groundwater supplies and must not be deemed to be an obnoxious use, pursuant to the Health Protection and Promotion Act, the Ontario Water Resources Act and the Environmental Protection Act.

Rural Industrial Development may be permitted in Rural designation in accordance with the following policies.

1. Most industrial development in the rural area should be located in the designated Hamlets; however, it is recognized that not all such industrial uses are appropriate in the Hamlets because of land use incompatibility with residential uses, large site requirements, locational requirements, etc. Prior to approving industrial development, Council shall be satisfied that its location is appropriate.
2. Rural Industrial uses shall be encouraged to locate on a County Road in clusters, plazas or campus style developments, and shall generally be discouraged from developing with individual access points in order to avoid adverse impacts on traffic flows. Individual access points to County Roads will only be permitted in accordance with the access regulations referred to in Section 5.2.3.
3. Access points shall be limited to defined driveways at suitable locations and shall be limited in number.
4. Signs, lighting fixtures and other site features shall be carefully located in keeping with good site design and traffic safety practices.
5. Adequate off-street parking and loading facilities shall be provided.
6. Where industrial uses abut residential uses, increased setbacks and an adequate buffer shall be provided to protect the amenities of the residential uses in accordance with the policies of

SECTION 4 LAND USE DESIGNATIONS

Section 3.5. The buffering requirements shall be set out in the implementing Zoning By-law.

7. To minimize the exposure of sensitive land uses to potential adverse effects associated with incompatible industrial uses, Council may refer to the appropriate Ministry of the Environment Guidelines.
8. New Industrial uses shall only be permitted by an Amendment to the Zoning By-law.
9. Industrial uses shall be subject to Site Plan Control (see Section 7.3) and may be zoned in a separate category and/or in combination with commercial uses in the implementing Zoning By-law.
10. Prior to the issuance of a building permit, the applicant shall be required to submit a plot plan in accordance with the policies of Section 3.27 where the industrial development is located next to a waterbody.

4.3.3.8 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3.4 AGRICULTURAL

4.3.4.1 Intent of Designation

The Agricultural designation has been placed on those lands which are predominantly characterized by soils of prime agricultural capability and which are classified as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability. It is intended that these lands are to be protected and preserved for agricultural uses.

4.3.4.2 Permitted Uses

Agricultural lands are intended to be used primarily for agricultural and agricultural-related uses. Proposed secondary uses and agricultural-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations and shall be limited in scale. Permitted uses include the growing of crops; raising of livestock; raising of other animals for food, fur or fibre; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agricultural-related commercial and industrial uses that are small scale, directly related to the farm operation and required in close proximity to the farm operation are permitted. Secondary uses shall include home occupations, home industries and uses that produce value-added agricultural products from the farm operation on the property.

Other agri-business uses such as abattoirs, livestock or sales yards, seed cleaning plants, agricultural produce warehouses or similar uses are permitted, provided alternative locations within areas designated other than Agricultural are not available. Wherever possible these uses shall be located on land of lower capability for agriculture.

Finally, limited farm-related residential uses, as per the policies of Section 3.7.2.1 of this Plan, and new dwellings on vacant lots of record, as per the policies of this Plan and the implementing Zoning By-law, are also permitted.

4.3.4.3 Policies

1. This Plan intends to promote the use of prime agricultural lands for agricultural uses. Nonetheless, as specified in Section 4.3.4.2, certain non-agricultural uses are permitted. In order to minimize the potential for conflicts, all new farm and non-farm development shall comply with the Minimum Distance Separation policies of Section 3.3.
2. In order to assist the farming community, this Plan recognizes the need to accommodate farm help on the farm. A farmer may be permitted to provide living accommodation on his farm for workers who are employed thereon, provided that the parcel of land upon which such accommodation is located is not severed from the farm.
3. Notwithstanding the permitted use provisions contained in Section 4.3.4.2, Agricultural lands may be redesignated to Aggregate Reserve or Mineral Resource to permit pit, quarry or mining uses, or may be used for a wayside pit or quarry, provided that, if the land is of high capability for

SECTION 4 LAND USE DESIGNATIONS

agriculture, it shall be subject to a rehabilitation plan showing how it will be rehabilitated for productive agricultural use, pursuant to the policies of Section 3.28. Should extraction be permitted below water, rehabilitation will compliment or be compatible with an agricultural after-use, in consultation with the Ministry of Agriculture and Food.

4. Where it is intended to sever land, both the parcel to be severed and the parcel to be retained shall be of an appropriate size for the type of primary agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of the agricultural operation. Lot size requirements for agricultural uses will be implemented in the Zoning By-law.
5. Notwithstanding the foregoing policies of Section 4.3.4.3.4., severances may be permitted for permitted agricultural-related commercial and industrial uses, and for permitted agri-business uses. Severances for residential lots shall only be permitted in accordance with the policies of Section 3.7.2.1.
6. In evaluating a proposed amendment to the Official Plan to change the designation from Agricultural to another land use designation, the municipality shall be satisfied that:
 - a comprehensive review has been undertaken to expand or identify a settlement area;
 - there is a demonstrated need for the proposed use for which the amendment is sought, and that it cannot be reasonably located on land outside the Agricultural designation or on lands within the Agricultural designation with a lower agricultural capability;
 - the land does not compromise specialty crop areas; and,
 - impacts on surrounding agricultural uses from the new or expanding non-agricultural use are mitigated to the extent feasible.
7. Agricultural areas may be zoned in separate categories in the Zoning By-law.

4.3.4.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3.5 MOBILE HOME DEVELOPMENT

4.3.5.1 Intent of the Designation

Because of the distinctive physical characteristics of mobile homes, the density at which development generally takes place, and the site planning issues associated with such development, special policies are needed to guide Mobile Home Development. The intent of this designation is to provide such guidance, so that Mobile Home Development can be integrated into the rural character of the Village.

4.3.5.2 General Policies

1. Individual mobile homes are not permitted on existing or on newly created lots, except as follows:
 1. A mobile home may be permitted as a temporary dwelling where a permanent dwelling is being built, renovated or reconstructed, providing a building permit has been issued for the construction work and providing the applicant enters into an agreement with the Village which requires the mobile home to be removed once the construction is completed.
 2. A mobile home may be permitted as an additional dwelling on a farm, providing it is occupied by a person or persons whose principal occupation is in the conduct of the agricultural operation on such lands. Such a dwelling shall be subject to the Rural policies of this Plan, but in no case shall the mobile home site be severed from the original farm unit.
 3. A mobile home may be permitted as a garden suite pursuant to the policies of Section 3.1.4 of this Plan.
2. Where an individual mobile home is permitted in accordance with the foregoing policies, it shall meet the requirements of the Building Code Act.

4.3.5.3 Mobile Home Development Policies

1. Mobile Home Development will be permitted only as a mobile home park or a mobile home subdivision as defined below.
 1. A mobile home park is under single or condominium ownership and is managed by a park operator or condominium corporation. Ownership and responsibility for the maintenance of internal roads, services, communal areas and buildings, together with general park management, including snow clearance, garbage collection, etc. rests with the park owner or condominium corporation.
 2. A mobile home subdivision is registered as a plan of subdivision where the mobile homes are located on individually owned lots which front on public roads. The subdivision may contain communal areas and buildings which are owned by the residents of the subdivision.
2. In addition to the mobile homes, the permitted uses include the sale of mobile homes, accessory buildings and uses including storage buildings, and local commercial and open space uses for the

SECTION 4 LAND USE DESIGNATIONS

residents of the Mobile Home Development.

3. The location of the Mobile Home Development shall respect the desire of adjacent residents to maintain the character of established residential areas.
4. New Mobile Home Developments must conform to the following criteria.
 - The site must have frontage on, and access to, an open public road which is maintained year round.
 - All mobile homes within the development must have frontage on an internal road which shall be constructed to Village standards.
 - A minimum of 5% of the total area of the Mobile Home Development shall be reserved for open space/recreation uses.
 - Suitable landscaping shall be provided throughout the development including a landscaped buffer around the site. This required landscaped area shall not be considered as part of the 5% required for recreation uses.
 - Adequate owner and visitor parking shall be provided.
 - A subdivision, condominium or site plan agreement between the developer and the Village shall be required for all Mobile Home Developments.
 - The implementing Zoning By-law shall contain regulations to control such matters as density, parking and setbacks.
 - Prior to approving a Mobile Home Development which is located next to a waterbody, the applicant shall be required to submit a plot plan in accordance with the policies of Section 3.27.
 - New Mobile Home Development shall take place by amendment to this Plan.
 - Mobile Home Development shall be subject to Site Plan Control (see Section 7.3) and shall be zoned in a separate category in the implementing Zoning By-law.
 - Where communal services are proposed for a new Mobile Home Development, such services are to be approved by the Ministry of Environment and shall be constructed and maintained by the owner(s). In such cases, the owner(s) shall be required to enter into a responsibility agreement with the Village which provides for the repair and Village assumption of the communal services, at no cost to the Village, in the event that the communal services fail.
 - If a servicing options assessment results in a mobile home development being developed on individual wells and septic systems, a hydrogeological and terrain analysis study and an impact assessment of septic system effluent on the groundwater shall be undertaken to determine whether the land is, or can be made, suitable for private sewage disposal systems and whether there is an adequate quantity and quality of water available.

SECTION 4 LAND USE DESIGNATIONS

4.3.5.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3.6 AGGREGATE RESOURCE

4.3.6.1 Intent of Designation

The Aggregate Resource designation recognizes existing pits and quarries which are licensed by the Ministry of Natural Resources, and also recognizes areas where aggregate reserves have been identified for future extraction. The lands so designated are further classified on Schedule A-1 for pit or quarry extraction. The designated lands are intended to be conserved and protected from incompatible development so that they may be used for mineral extraction purposes.

4.3.6.2 Permitted Uses

The permitted uses include aggregate extraction by means of pits and quarries as defined in the Aggregate Resources Act, as well as associated uses such as aggregate storage, stone crushing plants, concrete batching plants, asphalt batching plants and accessory uses. Forestry, open air recreation and agriculture are also permitted uses.

4.3.6.3 Policies

1. Licensed Pits and Quarries shall be permitted in the Aggregate Resource designation. When considering an amendment to the Zoning By-law to permit a new pit or quarry, Council shall have regard to the following policies.
2. All pits and quarries shall be licensed by the Ministry of Natural Resources. Council may request that certain conditions be placed on the license through the licensing process.
3. Existing licensed pits and quarries shall be zoned for such use in the implementing Zoning By-law. However, where lands are reserved for future pit or quarry use, they shall be placed in a separate zone category in the implementing Zoning By-law. No new pit or quarry, except a wayside pit or quarry, shall be permitted except by an amendment to the Zoning By-law. Where a proposed amendment to the Zoning By-law is required, Council may require supporting studies such as those listed in Section 4.3.6.3.6 below.
4. In areas designated Aggregate Resource - Quarry, any future application to rezone the land to permit the establishment of a quarry shall not extend the quarry operation beyond the limit of the Aggregate Resource - Quarry designation. In the case of lands designated Aggregate Resource - Pit, however, any future application to rezone the land to permit the establishment of a pit may extend the pit operation beyond the limit of the Aggregate Resource - Pit designation, provided the general intent of this Plan is maintained.
5. This Plan will protect aggregate operations from activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact. As provided in the Influence Areas policies of Section 3.19, lands adjacent to existing pits and quarries and areas reserved for future extraction are limited to uses which are compatible with aggregate extraction activities. Development which would preclude or hinder the establishment of new operations or access to resources in the Influence Area requires an Official Plan Amendment to re-designate the affected land and will only be considered if the following criteria are addressed:

SECTION 4 LAND USE DESIGNATIONS

- the resource use would not be feasible;
 - the proposed land use or development serves a greater long term public interest; and,
 - issues of public health, public safety and environmental impact are addressed.
6. In considering a proposed amendment to the Official Plan for the purpose of establishing a new pit or quarry, Council shall ensure that existing sensitive uses such as residences and schools are protected by requiring appropriate supporting studies which demonstrate that there no conflicts between the proposed pit or quarry and existing sensitive uses. Such studies may include noise, dust and vibration study, groundwater impact study and traffic impact study.
 7. No pit or quarry shall be extracted so that its edge is at a point less than 15 m from the limit of any road right-of-way or from any adjoining property line.
 8. All pit and quarry uses must satisfy the requirements and, where necessary, obtain the approval of the Ministry of the Environment with respect to water supply, pumping, dewatering, all solid and liquid waste disposal, and emissions to the environment including noise, vibrations, odours and noxious gases. Where dewatering is proposed, the operator shall undertake an impact assessment, in consultation with the Conservation Authority, on the groundwater and on the receiving watercourse.
 9. Aggregate Resource lands shall be placed in a separate zoning categories in the implementing Zoning By-law to distinguish between lands designated for future extraction and lands which are used as active, licensed pits and quarries.
 10. Progressive rehabilitation of pits and quarries to accommodate subsequent land uses shall be required in accordance with the license provisions. In areas designated Agricultural, progressive rehabilitation shall be subject to the policies of Section 3.28 of this Plan.

4.3.6.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3.7 MINERAL RESOURCE

4.3.7.1 Intent of Designation

The Mineral Resource designation is intended to recognize existing open pit and underground mining operations, and to protect known mineral deposits and areas of mineral potential from incompatible uses.

4.3.7.2 Permitted Uses

The permitted uses include mineral extraction, excluding aggregate extraction as defined in the Aggregate Resources Act, as well as associated uses such as processing, transportation, waste and tailing storage and directly related activities. Forestry, open air recreation and agriculture are also permitted uses.

4.3.7.3 Policies

1. It is the intention of Council to work with the Ministry of Northern Development and Mines to obtain information regarding mineral resources, and to identify areas of mineral potential and abandoned mine sites. At present there are no areas designated Mineral Resource in the Village.
2. Mining and related activities will only be permitted outside identified settlement areas. The compatibility of mining activities with surrounding land uses and land use designations will determine the specific nature of any mining and mining related activities that may be permitted.
3. The establishment of new mining and mining related activities shall be subject to the approval of the Ministry of Northern Development and Mines under the Mining Act and the Environmental Protection Act, and shall require amendments to both this Plan and the Zoning By-law.
4. An Influence Area shall be used as a means of protecting existing land uses in the vicinity of proposed mining operations from a land use conflict and, reciprocally, to protect designated Mineral Resource areas from the encroachment of incompatible land uses. Development may be permitted in the Influence Area in accordance with the relevant land use designation only where the impacts of mining operation can be properly mitigated. The Influence Area shall be 1,000 m. The establishment or modification of an Influence Area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of the Environment, and shall be shown on Schedule A-2 of this Plan at the time that a Mineral Resource area is designated on Schedule A-1.
5. Known abandoned mine sites are shown on Schedule A-2. Proposals for development in the vicinity of these sites shall not be approved until the nature and extent of any potential hazards have been mitigated based on a technical report prepared by a qualified professional in this field and with the approval of the Ministry of Northern Development and Mines (MNDM).

4.3.7.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.3.8 SALVAGE YARD

4.3.8.1 Intent of Designation

The Salvage Yard designation has been placed on those lands which have been developed as salvage yards. Salvage yards are facilities where derelict, discarded, abandoned or inoperative motor vehicles and/or other goods, wares merchandise or articles are stored wholly or partly in the open.

4.3.8.2 Permitted Uses

The Salvage Yard lands are intended to be used only for the purposes of salvage yards and related uses such as processing, separating, dismantling and recycling. However, agriculture may also be permitted on lands designated Salvage Yard.

4.3.8.3 Policies

1. A salvage yard shall be located an adequate distance from any existing or proposed uses, other than Aggregate Reserve, Mineral Resource and Waste Disposal Site uses, so that amenity of these areas is preserved. The minimum distance separation between an existing or a proposed new salvage yard and any existing conflicting use shall be 300 m in accordance with the Influence Area policies in Section 3.19 of this Plan.
2. The salvage yard shall be adequately screened on all sides either by natural or artificial means, in order that no portion of the operation including the storage area can be seen from a public road.
3. The establishment of a new salvage yard shall require an Amendment to this Plan.
4. Salvage yards shall be subject to Site Plan Control (see Section 7.3) and shall be zoned in a separate category in the implementing Zoning By-law. The site plan for a new salvage yard shall show, among other site planning matters, the method by which waste material such as automobile oil, gasoline, lubricants, etc. and other chemicals are to be handled and disposed of so as to avoid groundwater contamination

4.3.8.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.4 VILLAGE-WIDE LAND USE DESIGNATIONS

4.4.1 INTRODUCTION

This Section of the Plan contains those land use designations which may be placed on lands within either the urban or the rural areas of the Village. These land use designations are:

- Waste Disposal Site
- Wetland

These land use designations are shown on Schedules A-1 and B-1, and the corresponding Influence Areas are shown on Schedules A-2 and B-2.

SECTION 4 LAND USE DESIGNATIONS

4.4.2 WASTE DISPOSAL SITE

4.4.2.1 Intent of Designation

The Waste Disposal Site designation has been placed on those lands which are, or have been used, for solid waste disposal. The intent of the designation is to recognize former and existing sites in order to protect adjacent land from potential adverse impacts, as well as to establish policies for the development of new sites.

4.4.2.2 Permitted Uses

The Waste Disposal Site lands are intended to be used solely for solid waste disposal sites and related uses that are owned and operated by the Village.

4.4.2.3 Policies

1. A new Waste Disposal Site shall only be established by an amendment to this Plan.
2. A new Waste Disposal Site shall be located an adequate distance from any existing or proposed uses which are considered sensitive, other than Aggregate Reserve, Mineral Resource and Salvage Yard uses, so that the amenity of these areas are preserved. The Influence Areas for a solid waste disposal site is 500 m as shown on Schedules A-2 and B-2 of this Plan.
3. In the case of an existing or former Waste Disposal Site use, development may be permitted within the 500 m Influence Area in accordance with the land use designation shown on Schedules A-1 and B-1; however, residential uses are generally not permitted within the Influence Areas of existing uses. Prior to the approval of any development proposal, the applicant shall undertake such studies, as required by the Village in consultation with the Ministry of the Environment pursuant to the policies of Section 3.6 and 3.19, to demonstrate that the proposed development will not be adversely impacted. Typically, such studies consider factors such as landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, noise, dust, fire, vectors and vermin.
4. The former waste disposal site in Merrickville is considered to be a contaminated site. Redevelopment of this site shall only be permitted by an amendment to this Plan which shall be supported by such studies as required by the Village in consultation with the Ministry of the Environment pursuant to the policies of Section 3.6 and 3.19.
5. All waste disposal sites no longer in use shall be rehabilitated to the standards required by the Ministry of the Environment before they can be put to another use. In cases of contaminated sites, site clean-up shall be in accordance with the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario. In cases where a site must be cleaned, a record of site condition, signed by the Ministry of the Environment prior to any planning approvals, should be requested.
6. All waste disposal uses shall be set back a reasonable distance from a road so that all functions related to the operation of the site can be carried on within the site and so that there is no unsightly appearance from the road. The site shall be located so that ingress and egress points do

SECTION 4 LAND USE DESIGNATIONS

not create a traffic hazard.

7. The establishment, operation and final closure of all waste disposal sites shall be in accordance with the regulations of the Ministry of the Environment.
8. A Waste Disposal Site shall be subject to Site Plan Control (see Section 7.3) and shall be zoned in a separate category in the implementing Zoning By-law.
9. Additional policies relating to waste disposal are contained in Section 6 of this Plan.

4.4.2.4 Special Policy Areas

SECTION 4 LAND USE DESIGNATIONS

4.4.3 WETLAND

4.4.3.1 Intent of the Designation

The Wetland designation has been placed on Provincially Significant Wetlands as classified by the Ministry of Natural Resources. The intent of the designation is to preserve and protect these wetlands pursuant to the Provincial Policy Statement.

4.4.3.2 Permitted Uses

The permitted uses shall be restricted to existing agricultural uses, forestry, conservation, wildlife management, outdoor recreation and educational activities that do not require landscape alterations and that do not adversely affect the wetland features, functions and area.

4.4.3.3 Policies

1. No development or site alteration is permitted within the Wetland designation.
2. No development or site alteration is permitted within locally significant wetlands which are connected or adjacent to a major waterbody except for additions and alterations to existing buildings and structures, and new buildings or structures which are accessory to permitted uses. Prior to issuing a building permit for any such building or structure, the applicant shall be required to undertake an EIS in accordance with the policies of Section 3.9 of this Plan to the satisfaction of the Village and Conservation Authority and, in the case where development is adjacent to the Rideau Canal, Parks Canada.
3. The boundaries of the Wetland designation, as shown on Schedules A-1 and B-1, will be used as a guide for the preparation of Zoning By-law regulations which will implement the policies of this Section. Any proposed change to the boundary of a wetland shall be reviewed and approved by the Ministry of Natural Resources and in the case of wetlands forming part of the Rideau Canal, Parks Canada will also be consulted.
4. Where wetlands are under private ownership, it is not intended that such areas are free and open to the general public or will be purchased by the Village or other public agency.
5. Where development is proposed to be located on a site, part of which is wetlands, then such wetlands shall not necessarily be acceptable as part of the 5% parkland dedication under the Planning Act. All lands dedicated to the Village shall be conveyed in a physical condition satisfactory to the Village.
6. Wetlands shall be zoned in a separate category in the implementing Zoning By-law.

4.4.3.4 Special Policy Areas

SECTION 5 TRANSPORTATION

5.1 GENERAL

- 5.1.1 The road network is shown on Schedules A-1 and B-1. County Roads are labelled as such and are considered to form the arterial and collector road network within the Village. All Village roads are considered to be Local Roads. Minimum rights-of-way and standards are established for each class of road, as described below.
- 5.1.2 The reclassification of roads may be necessary from time to time in order to reflect changes in jurisdiction. Any such re-classification should be shown on the Schedules; however, it is not necessary to amend this Plan prior to reclassifying any road.
- 5.1.3 Roads improvements, such as widening, reconstruction, realignment, adding turning lanes, intersection improvements, and other traffic control measures should be made according to a schedule of priorities established by the various public agencies having jurisdiction over the roads. In general, priorities should be based on the nature and extent of any safety hazard and on traffic volumes. The schedules of road works to be undertaken by the County and Village should also be consistent with one another.
- 5.1.4 Roadside tree plantings and vegetation cover shall be preserved, established and/or replaced as part of any road construction or reconstruction, for erosion control and aesthetic purposes.
- 5.1.5 Cycling and walking are recognized as modes of transportation which can play a positive role in improving mobility and quality of life as part of a transportation system. Where on-road cycling routes are identified in the rural area of the Village, Council shall consider establishing bicycle lanes when roads are reconstructed, and shall encourage the United Counties to do likewise.
- 5.1.6 On-road cycling and walking routes and off-road recreational trails are not designated on the Schedules to this Plan. Such uses are permitted in all land use designations; however, where they are proposed to be located in the Wetland designation, a flood plain, one of the Influence Areas, or in an area which has been identified as fish habitat, significant forested area or habitat of endangered and threatened species, an Environmental Impact Study may be required in accordance with Section 3.9 prior to being developed.

5.2 COUNTY ROADS

- 5.2.1 The Village is served by County Road Nos. 2, 15, 16, 17, 23, 41 and 43. All of these roads have specific road classifications, with accompanying access regulations which are administered by the United Counties of Leeds and Grenville. Council shall cooperate with the United Counties in establishing and maintaining the standards for these roads.
- 5.2.2 Before approving any development on a County Road, Council shall require the applicant to obtain the necessary entrance permit.
- 5.2.3 All plans of subdivision, severances or site plans which are approved along a County Road shall be subject to a road widening dedication. The land dedication shall be as determined by the United Counties. The owner will be required to pay all of the costs associated with the land dedication, in addition to providing the land.

SECTION 5 TRANSPORTATION

5.2.5 The minimum right-of-way for a County Road is 26 m.

5.3 LOCAL ROADS

The primary function of a Local Road is to provide direct access to abutting properties. Generally, the volume of traffic will be low and the traffic will have its origin or destination on the road. Through-traffic should be discouraged. Local roads are under the jurisdiction of the Village.

5.3.1 All plans of subdivision, severances and site plans which are approved along a Village road, shall be subject to a road widening dedication sufficient to achieve the minimum right-of-way width established by this Plan.

5.3.2 The minimum right-of-way for Village roads in the rural area shall be 20 m and in the urban area shall be 16 m.

5.4 PROPOSED ROAD WIDENINGS

All Village roads shall be considered Designated Roads, pursuant to the site plan control policies of this Plan, and shall have a minimum width as described in Section 5.3.2. As a condition of site plan approval, road widenings may be required to bring Village roads up to the minimum required width, and may be taken in equal amounts from both sides of the road, except that where a road widening has already been taken from one side of a Designated Road, then the required road widening shall be taken only from the other side of the road.

5.5 PRIVATE ROADS

5.5.1 The Village shall not be responsible for providing municipal services to those residents whose lots front on a private road, except garbage collection where the private roads are accessible. Those considering development along such private roads for waterfront lots, should consider such development in terms of the policies of Sections 3.5, 3.27 and 4.3.4.

5.5.2 Only those uses identified in Section 3.14 shall be permitted on private roads or unopened road allowances. Where the Limited Services Residential development is located on a private road, the minimum right-of-way width shall be 9 m. Where an existing private road does not meet the required minimum width, Council may require a widening to increase the right-of-way to 9 m, as a condition of development approval.

5.5.3 The Village will not assume any private roads which do not meet the standards of the Village.

SECTION 6 SERVICING

6.1 GENERAL

The policies contained in this Section of the Plan apply to private and public servicing in both the urban and rural areas of the Village.

6.2 WASTE MANAGEMENT

6.2.1 Solid Waste Disposal

Existing and proposed solid waste disposal sites shall be established, located and operated in accordance with the policies of Section 4.4.2 of this Plan and with the requirements and regulations of the Ministry of the Environment.

6.2.2 Sanitary Waste Disposal

6.2.2.1. There are several different types of sanitary waste, categorized according to the type of storage and treatment, with unique regulations under the Environmental Protection Act regarding disposal. Septage (partially digested waste from septic tanks) and sewage sludge (residue from a sewage treatment plant) are of particular concern to the Village because permission may be obtained to haul these wastes to, or within, rural areas and to dispose of them there.

6.2.2.2. Septage disposal has additional problems because no facilities for storage or disposal are available, and access to land is limited by factors that include weather, season, roads and crops. Septage disposal is also a concern because much of the residential development in the Village takes place on septic tank systems and the volume of septage to be hauled increases correspondingly with increased development activity. Council recognizes the need for regional coordination to provide facilities for septage disposal.

6.2.2.3. Sanitary waste disposal shall only occur in accordance with the policies of this subsection:

1. Hauled septage can only be treated or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, and shall not be spread on land untreated.
2. A septage disposal facility may be considered but shall generally locate only in areas of poor agricultural capability. Such facility shall be established and operated in accordance with the appropriate legislation.
3. The spreading of sewage sludge shall not require an amendment to the Zoning By-law for each site but the By-law shall contain provisions regarding the appropriate zones, associated uses and minimum separation distances. The approval of the Ministry of the Environment shall be required for each site.
4. Every new septage disposal site and facility shall require an amendment to the Zoning By-law and such amendment shall be considered for a site approved by the Ministry of the Environment. The Zoning By-law Amendment will be specific for the site and will establish minimum separation distances from key features such as residences, residential zones within or outside the Village, wells, roads, pasture, surface and groundwater. The minimum

SECTION 6 SERVICING

separation distance shall be determined in consultation with the concerned agencies:

- Every application for a Zoning By-law amendment shall be circulated to the Health Unit and the Ministry of the Environment.
 - Where a proposal may affect resource lands, the Ministry of Natural Resources and/or the Ministry of Agriculture, Food and Rural Affairs shall be circulated the application for a Zoning By-law Amendment. The disposal of septage shall not pollute any water course or groundwater. An applicant may be required to provide the information necessary to satisfy Council, the Ministry of the Environment and the Health Unit that a site is suitable in this regard.
5. Buffering of an appropriate form shall be required on all sides and such buffering shall apply to all open storage areas and disposal site operations in accordance with the policies of Section 3.5 of this Plan.
 6. The operation, maintenance and closing of a septage disposal site or facility shall be in accordance with the requirements of the Ministry of the Environment.
 7. Minimum separation distance shall apply to new residential development when it is locating in the vicinity of a legally existing septage disposal site or facility.

6.3 PRIVATE WATER AND WASTEWATER SERVICES

1. Individual on-site sewage and water services shall be used for a new development of five or less lots or private residences where municipal or communal services are not provided and where site conditions are suitable for the long term provision of such services.
2. As described in Section 4.2.3, there are three distinct types of service areas in the Merrickville urban area. Development on private services in the Merrickville urban area shall only be permitted in accordance with the policies of Section 4.2.3 of this Plan.
3. To date, all development within the rural portion of the Village has taken place on private water supply and sewage disposal systems. Notwithstanding this, Council may consider full municipal services where future development is an extension to the existing fully serviced development in the designated urban area, subject to an Official Plan Amendment to place the subject land in the appropriate urban land use designation, in accordance with the policies of Section 4.2.2. Generally, however, it is anticipated that all development within the rural portion of the Village will continue to be serviced with private water supply and sewage disposal systems and shall make provision for adequate stormwater quality and quantity management.
4. Notwithstanding the foregoing policies, communal water and/or sanitary sewage services may be permitted subject to the approval of the authorities having jurisdiction, provided Council is satisfied that it has the financial and technical resources to operate and maintain them.
5. Private servicing systems shall be subject to the regulations of the Ontario Building Code Act and the Safe Drinking Water Act.

SECTION 6 SERVICING

6. A private septic system or any use in all land use designations which will handle more than 10,000 litres/day requires Ontario Water Resources Act (OWRA) approval for sewage works. A report will be required providing justification that the undertaking meets the criteria of the Ministry of the Environment policy on the reasonable use of groundwater. This report should demonstrate soil suitability, sufficient area for effluent treatment and site suitability, and shall be reviewed and approved by the Ministry of the Environment.
7. All applications for approval of plans of subdivision and site plans which are intended to be developed on individual private services shall be supported by a servicing options report, a preliminary stormwater quality and quantity management plan and, where individual wells and septic systems are proposed, by a hydrogeological and terrain analysis study.
8. Where a lot size is established on the basis of a hydrogeology and terrain analysis study, it shall not be further subdivided, regardless of the zone provisions of the Zone in which it is located.

6.4 MUNICIPAL WATER SUPPLY

Municipal water supply service is provided in the central area of Merrickville, although not all existing development in the urban area is connected. The policies of this Plan with respect to municipal water supply servicing are as follows.

1. As part of its ongoing capital works planning, Council will seek ways to extend the watermain to all existing development, and to identify funding sources including local improvement charges, special servicing levies and/or grants that may become available from senior levels of government.
2. Generally, new development which is located at or near the terminus of existing watermain in the Merrickville urban area is to be connected to the municipal water supply. Development shall only be permitted on private wells in accordance with the policies of Section 4.2.3.
3. Council also intends to prepare Wellhead Protection Area Plans for the existing municipal wells, and, if required, to amend this Plan to add an Influence Area as shown on Schedule B-2 together with any associated policies to restrict development in order to protect the municipal water supply.

6.5 MUNICIPAL SANITARY SEWAGE TREATMENT

Municipal sanitary sewerage service is provided in the central area of Merrickville, although none of the area on the north side of the Rideau Canal is currently serviced, nor is all existing development on the south side of the Canal. The sewage treatment plant is identified by a map symbol on Schedule B-1, and the associated 100 m Influence Area is shown on Schedule B-2. The policies of this Plan with respect to municipal sanitary sewerage servicing are as follows.

1. As part of its ongoing capital works planning, Council will seek ways to increase the capacity of the sewage treatment plant by such methods as further eliminating infiltration, ensuring that there are no stormwater connections to the sanitary sewers, and by introducing metering to reduce water consumption. Council also intends to undertake such studies as are required under the

SECTION 6 SERVICING

Environmental Assessment Act to increase the capacity of the plant. Finally, Council intends to extend the sanitary sewers to all existing development. As part of these efforts, Council also intends to identify funding sources including local improvement charges special servicing levies and/or grants that may become available from senior levels of government.

2. Generally, new development which is located at or near the terminus of existing sanitary sewers in the Merrickville urban area is to be connected to the municipal sanitary sewerage service. Development shall only be permitted on private septic systems in accordance with the policies of Section 4.2.3.

6.6 STORMWATER MANAGEMENT

1. Major development or redevelopment will be preceded by the preparation of a watershed or sub-watershed plan prepared in consultation with the Conservation Authority, Provincial ministries, the County and the Village. The plans will conform to Provincial guidelines. A stormwater site management plan will be required to support subdivision and site plan applications.
2. Stormwater site management plans will be prepared in accordance with the guidance set out in a watershed or sub-watershed plan. Notwithstanding the absence of any such plans, stormwater site management plans will generally reference Provincial guideline documents for their terms of reference and shall include details on specific best management practices for stormwater, erosion and sediment control, and details for enhancement and rehabilitation of natural features. Where no sub-watershed plan or environmental management plan exists, the Village will review stormwater site management plans in conjunction with the Conservation Authority and the County in order to ensure that:
 - watercourse flows are not altered in a way that would increase the risk of downstream flooding or channel erosion;
 - base flow in the watercourse is not reduced;
 - the quality of water that supports aquatic life and fish habitat is not adversely affected;
 - the quality of water that supports water-based recreational uses is not adversely affected;
 - natural habitat linkages that are located in or transverse the site are maintained or enhanced;
 - groundwater is not adversely affected;
 - any other impacts on existing infrastructure or natural environment are addressed in a manner consistent with established standards and procedures; and,
 - objectives related to the optimization of wet weather infrastructure (high flow) management are realized.
3. Once a watershed or sub-watershed plan is approved by Council, the recommendations of the plan will be implemented where the Village has the ability and authority to do so through existing programs, the development approval process, environmental assessments and evaluations, as well

SECTION 6 SERVICING

as other mechanisms such as education and stewardship, and will encourage other parties to do the same.

4. Council will encourage generally recognized practices for stormwater runoff from agricultural uses and the maintenance and preservation of buffers adjacent to surface water resources.

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

7.1 GENERAL

This Official Plan shall be implemented by means of the powers conferred upon the Council by the Planning Act, The Municipal Act, and such other statutes as may be applicable. In particular, this Plan shall be implemented through Zoning By-laws, legislation pursuant to the Municipal Act, and the construction of public works.

7.2 ZONING BY-LAWS

7.2.1 General

It is intended that comprehensive Zoning By-laws shall be brought into effect in accordance with the provisions of the Planning Act to implement the policies of this Plan. Such by-laws shall contain land use zones and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

7.2.2 Holding Zones

7.2.2.1 It is the intention of Council to place certain lands within a holding category in the Zoning By-law when the principle of development has been established, in order to:

1. reserve their use until the necessary municipal services such as fire protection, road maintenance, library facilities and drainage facilities become available;
2. affect the phasing and/or proper design of large scale residential, commercial, or industrial development; and
3. ensure proper agreements are in place and that any required permits with respect to servicing or other matters have been obtained, pursuant to the policies of the Plan.

7.2.2.2 Land which is subject to holding provisions shall be identified in the Zoning By-law by an "h" symbol, in conjunction with the appropriate zone symbol denoting the eventual use of the land and shall be subject to the following policies:

1. Lands which are shown to be in a holding category shall generally be restricted to existing uses.
2. New development proposed on land zoned in a holding category shall not be permitted unless Council deems it appropriate to remove the "h" symbol through an amending By-law, in accordance with section 7.2.2.3.

7.2.2.3 An application for removal of the "h" symbol shall be reviewed by Council in accordance with the following policies:

1. The proposed use shall conform to the requirements of the Zoning By-law;
2. The required municipal services are available or will soon be available;

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

3. The necessary tests and reports have been prepared to prove to the satisfaction of the regulating agencies that the proposed development is feasible;
4. The financial requirements of the municipality have been fulfilled;
5. The phasing and design of the proposed development is to Council's satisfaction; and/or
6. Any development constraints which have been identified can be overcome to the satisfaction of Council.

7.2.3 Interim Control By-law

Council may pass Interim Control By-laws to control the use of land, buildings or structures within designated areas of the Village, in accordance with the provisions of Section 38 of the Planning Act in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Council. Any Interim Control by-law adopted by Council shall initially be in effect for a period of up to one year from the date of passing of the by-law but may extend for a maximum of one additional year.

7.2.4 Temporary Use By-law

7.2.4.1 Council may pass Temporary Use By-laws to permit temporary uses, in accordance with the provisions of Section 39 of the Planning Act. A temporary use may be permitted for a period of up to three years from the date of the passing of the by-law, except where the by-law is for the purpose of permitting a garden suite, in which case the temporary use may be permitted for a period of up to ten years. Permission to extend a temporary use beyond the time period specified in the by-law may be granted through by passing a further by-law, provided that no such by-law shall extend the permission beyond the maximum permitted time period.

7.2.4.2 When considering a Temporary Use By-law, Council shall be guided by the following:

1. The temporary use should not jeopardise the long term development of the land or surrounding area as intended by the policies of this Plan;
2. The temporary use should be compatible with surrounding uses, or be made compatible through the provision of appropriate buffering; and,
3. The by-law should contain adequate provisions to ensure that the use is terminated at the appropriate time.

7.2.4.3 Notwithstanding the generality of the foregoing, Council may permit the temporary use of a mobile home as a dwelling while a permanent residence is under construction.

7.3 PROPOSED SITE PLAN CONTROL AREA

7.3.1 Council may control the details and design of development projects through the use of a Site Plan Control Area By-law. The entire Village shall be considered a Proposed Site Plan Control Area

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

except that the following uses shall be exempt from site plan control:

1. single-detached, semi-detached and duplex dwellings and buildings or structures accessory thereto in zones which permit residential uses as a principle use;
2. agricultural uses and buildings or structures accessory thereto; and
3. additions or alterations to any of the foregoing uses and to any buildings or structures accessory thereto.

7.3.2 Notwithstanding the specific exclusions set forth above, the following uses shall be subject to site plan control:

1. All non-residential development, multiple residential development and Mobile Home Development as specifically required under the policies of Section 4 of this Plan and not specifically excluded under Section 7.3.1.
2. accessory uses as permitted under Section 3.1 of this Plan;
3. all uses abutting a Village road which does not meet the minimum right-of-way width of 20 m in the rural area and 16 m in the urban area; and,
4. all uses in a natural heritage feature or area and within 120 m of land designated Wetland.

In addition to the foregoing, Council may require that all development which is located in a designated Heritage Special Policy Area, pursuant to the policies of Section 3.18.4, also be subject to site plan control.

7.3.3 It is the intention of Council to use site plan control as a planning tool complementary to the Zoning By-law to ensure that:

1. proposed buildings and structures are well sited vis-a-vis adjacent land uses;
2. design details, such as lighting, walkways, landscaping materials, stormwater management, etc., are adequate for the uses proposed;
3. the proposed development is built and maintained as approved by Council;
4. road allowances of adequate width are provided; and
5. the proposed development has a minimal visual impact on the major waterbodies in the Village and is developed in such a way so as to minimize adverse environmental impacts. In this regard, Council will seek to have all buildings and structures, including septic systems, set well back from the shoreline, and shall ask that in developing the site, the developer bear in mind the overall aesthetic appeal and environmental significance of the existing natural landscape and vegetation along the waterfront.

7.3.4 In imposing site plan control, Council will seek to regulate the general site design of the property and, where appropriate, the conceptual design of all buildings and structures on the property. Site

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

plan drawings will be requested in all cases. Floor plan, elevation and cross-section drawings are not required for a proposed building which is to be used for residential purposes containing less than 25 dwelling units.

7.4 COMMITTEE OF ADJUSTMENT

A Committee of Adjustment has been appointed to consider applications for minor relief from any Zoning By-law implementing this Plan. The Committee will be guided by Section 44 of the Planning Act and by the rules of procedures and regulations issued from time to time by the Minister.

The Committee will also bear in mind the non-conforming use policies contained in Section 3.10.

When considering a minor variance for approval, the Committee shall consider whether the application is in keeping with the general intent of this Plan and of the comprehensive Zoning By-law, whether the proposal is desirable and appropriate for the development of the land, and whether the variance is minor.

7.5 PUBLIC PARTICIPATION AND PUBLIC NOTICE PROCEDURES

- 7.5.1 Council intends to provide a public participation process which allows individuals and organizations affected by an Official Plan, a Community Improvement Plan, a Zoning By-law, and amendments and repeals thereto, to be made aware of planning proposals and to be provided an opportunity to express their views to Council. The requirements of the Planning Act and its related Regulations will apply to the public notification process unless the alternative procedures outlined in this Section are complied with.
- 7.5.2 Council shall make available to the public, planning documents specified in the Planning Act such as the Official Plan, Community Improvement Plans and Zoning By-laws to foster a greater awareness and knowledge of planning matters.
- 7.5.3 In order to facilitate public participation, Council will employ appropriate methods at varying stages of the decision-making process which may include, but is not limited to, delegations to Committees of Council, formal and informal public meetings, open houses, workshops, displays, municipal-wide advertising, working committees, task forces, consultation with neighbourhood/ratepayers associations, and posting of affected properties.
- 7.5.4 A record shall be made of the public involvement and it shall be appended to the appropriate Plan, By-law, or Amendment.
- 7.5.5 Council may forego public notification and public meeting(s) in connection with Official Plan, Community Improvement Plan, and Zoning By-law changes which do not require formal amendments under the Planning Act. Changes to these documents which do not constitute bona-fide amendments are those which will not affect the policies and intent of these documents in any way whatsoever, and will be generally limited to the following:

- 1. altering the number and arrangement of any provision;

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

2. altering punctuation or language to obtain a uniform mode of expression;
3. correcting clerical, grammatical or typographical errors;
4. inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
5. transferring data or designations to new base maps; and,
6. adding information to base maps.

- 7.5.6 In determining whether or not to forego public notification Council shall consider whether or not the change will affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and shall make its decision by Council resolution.

7.6 PUBLIC WORKS AND CAPITAL WORKS PROGRAM

The implementation of the policies of this Plan which require the provision of municipal facilities and services will involve the Village directly in the financing of such projects. It is intended that Council, on the basis of the policies of this Plan, will establish a priority list for the implementation of these projects with cost estimates (land acquisition, construction and maintenance costs wherever possible). A five-year capital works program will then be developed which Council should carry out systematically. It is intended that the program will be reviewed annually as part of the capital budget procedure.

7.7 PROPERTY STANDARDS BY-LAW

It is Council's intention to undertake the preparation, enactment and enforcement of a property standards by-law under the Building Code Act. The purpose of this By-law is to establish minimum standards of occupancy in order to conserve, sustain and protect the existing and future development in the Village.

- 7.7.1 The property standards by-law shall contain requirements with respect to:

1. garbage disposal;
2. pest prevention;
3. structural maintenance of buildings;
4. safety of buildings;
5. cleanliness of buildings;
6. services to buildings, such as plumbing, heating and electricity;
7. keeping properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or other material;
8. maintaining yards, lanes, and parking and storage areas;
9. maintaining fences, swimming pools, accessory buildings and signs; and,
10. occupancy standards.

- 7.7.2 Council will appoint a Property Standards Officer who will be responsible for administering and enforcing the property standards by-law. Council will also appoint a Property Standards Committee, in accordance with the Building Code Act, for the purpose of hearing appeals against an order of the Property Standards Officer.

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

7.7.3 The measures to be used generally in achieving the property standards program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

7.7.4 Complementary to the enforcement of minimum standards on private properties, the Council will undertake to keep in a fit and well-maintained condition all municipally-owned properties and structures, and to provide or maintain in good repair such municipal services as public roads, sidewalks, parkland, community facilities, etc.

7.8 LEGISLATION PURSUANT TO THE MUNICIPAL ACT

It is intended that Council shall review existing legislation, pursuant to The Municipal Act, governing site alteration, tree cutting, and such uses as automobile wrecking yards, waste disposal sites, trailers and signs and, where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such activities and uses are properly regulated and controlled.

7.9 HOUSING POLICY

7.9.1 Policies have been established in this Plan to address the issue of affordable housing as follows:

1. Multiple residential and mixed commercial/residential development are permitted in the designated Hamlets and in the urban area of Merrickville;
2. Accessory accommodation is permitted in all permanent single-detached dwellings in all areas where residential uses are permitted as a principal use, except in Limited Services Residential development; and,
3. Mobile Home Development is permitted in designated areas, in order to provide a lower cost option to the traditional single-detached dwelling.

7.9.2 Council will adopt a Zoning By-law which implements the policies referred to in Section 7.9.1.

7.9.3 Council may consider preparing a Municipal Housing Statement in order to more precisely plan for the Village's housing needs.

7.10 OFFICIAL PLAN AMENDMENTS

From time to time, changing conditions may require that this Plan be amended. Such Amendments shall be prepared and adopted by Council in accordance with the requirements of the Planning Act and its Regulations. When such an Amendment is adopted by Council, a corresponding Zoning By-law Amendment shall also be adopted, as required, so that the Zoning By-law remains in conformity with the Official Plan.

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

7.11 COMMUNITY IMPROVEMENT

7.11.1 It is the goal of Council to maintain, redevelop and rehabilitate the existing physical environment, as appropriate, in order to ensure the continued social and economic viability of its existing older residential neighbourhoods, commercial centres, and business park/industrial areas.

7.11.2 It is the intention of Council to develop a policy which will foster a program of continuous community improvements as defined in the Planning Act and which, when implemented, will fulfill the following objectives. Council shall endeavour to:

1. Foster improvements in residential neighbourhoods by:
 1. Striving for an equitable distribution of social amenities among residential neighbourhoods in facilities which are well maintained, well located, and easily accessible by residents;
 2. Establishing and maintaining the physical infrastructure necessary and appropriate to the various residential communities. This may include the provision of sidewalks, street lighting, storm sewers, road widenings, etc.
 3. Ensuring the maintenance of the existing housing stock and encouraging the rehabilitation, renovation, and repair of older dwellings; and where appropriate, supporting the conversion of older, large dwellings into multiple dwelling units to enable the creation of more rental housing.
2. Foster improvements in commercial centres by:
 1. Maintaining a vibrant, attractive downtown by providing the necessary physical conditions to create a pleasing shopping environment.
 2. Providing and maintaining incentives to support the downtown core, to foster a healthy local economy for area businessmen.
 3. Providing and maintaining downtown streets, sidewalks, lighting, benches, parking areas, to ensure that the downtown is accessible to both motorists and pedestrians.
3. Foster improvements in business park/industrial areas by:
 1. Developing and maintaining business park/industrial areas in the Village which facilitate the successful operation of the businesses which they serve.
 2. Ensuring that proposed improvements to local businesses generally enhance the area and are compatible with adjacent land uses.
 3. Ensuring that sewer mains and water mains are of adequate size and are appropriately located to serve the business park/industrial areas.
4. Foster improvements, generally, in all designated areas so as to:

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

1. Encourage the participation of the private sector in community improvement initiatives involving local businesses, residents, and civic leaders;
2. Ensure that the undertaking of specific community improvement projects does not unduly burden the financial capability of the Village. To this end, Council shall take advantage of the opportunities provided by Provincial and Federal governments for loan and grant programs.

7.11.3 In the selection of community improvement project areas, Council had regard to the criteria described below.

1. Consideration shall be had generally for deficiencies in the availability and/or condition of:
 1. Roads, with regard to their designated function;
 2. Sidewalks and curbs;
 3. Street lighting;
 4. Buildings and structures, with regard to the purpose for which they were designed and the functions they presently serve;
 5. Municipal services (sanitary sewers, storm sewers, water mains);
 6. Parking facilities (availability, accessibility);
 7. Waterfront access (wherever appropriate);
 8. Signs, (directional, traffic, advertising, etc.);
 9. Street furniture, including benches, information kiosks, etc.
2. Consideration of existing land uses in a potential Community Improvement Project Area shall include an analysis of the compatibility of neighbourhood land uses with regard to social, environmental and aesthetic concerns.
3. In residential neighbourhoods, criteria in addition to those outlined in 7.11.3.1 and 7.11.3.2 above shall include:
 1. an assessment of the age, condition, and size of existing houses by type and tenure;
 2. a review of the range of existing neighbourhood services and social amenities, and the availability and accessibility of parks, playgrounds, walking and cycling routes, day care centres, community centres and other recreation facilities.
 3. where applicable, regard for the proximity of rail lines and the possible need for buffering, or road improvements to railway crossings.
4. In commercial centres, criteria in addition to those outlined in 7.11.3.1 and 7.11.3.2 above

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

shall include the following:

1. evaluation of the amount of vacant land and the number of vacant buildings and commercial establishments;
 2. evaluation of economic viability and review of recent commercial activity;
 3. review of types of commercial establishments with regard to their needs for physical space for loading areas, parking requirements, outdoor storage;
 4. review of mix of land uses to determine extent of and desirability of residential uses in commercial centres;
 5. evaluation of physical appearance of area, with particular regard to building exteriors, size and positioning of signs and billboards, condition of sidewalks, etc.;
 6. review of accessibility of buildings and structures (especially public) for senior and handicapped persons (i.e. stairs, ramps, elevators).
5. In business park/industrial areas, criteria in addition to those outlined in 7.11.3.1 and 7.11.3.2 above shall include the following:
1. review of parking facilities, with specific regard for employee parking;
 2. regard for the nature of the industrial establishments with specific concern for any environmental offenses (waste discharge, by-products, etc.);
 3. suitability of site for type of use related to size of lot, neighbouring uses, serviceability.
6. A Community Improvement Project Area shall be selected on the basis of the deficiencies manifested by an assessment of the criteria described herein.
- 7.11.4 The areas outlined on Schedules A-1 and B-1 to this Plan shall henceforth be known as the Community Improvement Policy Areas for the Village. The identification of these policy areas was based upon the criteria established by Section 7.11.3 herein.
- Council will undertake comprehensive and complementary improvement programs within the policy areas as financial resources permit.
- 7.11.5 Council shall establish Community Improvement Projects Areas, as local municipal resources may allow and as government funding becomes available. The following shall be considered as high priority areas for Community Improvement, due to their historic and economic significance to the Village:
1. Priority will be given to areas where deficiencies in the provision of such services as established by Section 7.11.3 herein are the most critical. In determining the extent of deficiencies present for each area, Council should have regard to the criteria listed above and may undertake studies to prioritize areas.

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

2. In its consideration of potential Community Improvement Project Areas, Council has identified the Core Area of Merrickville as an immediate priority.
 3. An area within the Village which is deemed to be rich in historical or architectural features, such as the Special Heritage Policy Area 2 or other areas as established under Section 3.18 shall be considered high priority areas for community improvement, if the other criteria for selection are satisfied.
- 7.11.6 In order to achieve the objectives for Community Improvement, Council intends to use a variety of implementation methods, and to choose the appropriate method(s) for each objective. Such methods may include (but are not limited to) the following:
1. Designation of Community Improvement Project Areas by by-law;
 2. Preparation and adoption of community improvement plans;
 3. Municipal acquisition of land within a Community Improvement Project Area;
 4. Clearing, grading or preparing land for community improvement;
 5. Application to the appropriate government funding to support the Village's program;
 6. Enforcing by-laws dealing with property maintenance and occupancy standards and enforcing the Village's policies for property maintenance and safe occupancy as described in Section 7.7 hereto;
 7. Use of incentive zoning techniques for infill development;
 8. Supporting the business community in the Core Area by enlisting the support of area businesses and by supporting the creation of a Business Improvement Area;
 9. Encouraging rehabilitation at the private level by providing residents with information on applicable government subsidies and programs;
 10. Providing the framework for more flexible land use decisions by establishing mixed use zones in the implementing Zoning By-law, as deemed appropriate;
 11. Encouraging redevelopment through rehabilitation by implementing the heritage preservation policies of this Plan.

7.12 INTERPRETATION

- 7.12.1 It is intended that the boundaries of the land use classifications shown on Schedules A-1 and B-1 be considered as approximate and only where such boundaries are defined by roads, railways, rivers or other similar geographical features shall they be considered absolute. It is also intended that the location of roads as indicated on Schedule A-1 and B-1 be considered as approximate and not absolute. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads, provided the

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

general intent of the Plan is preserved. Such minor deviations will not be reflected on Schedules A-1 and B-1. The development control areas shown on Schedules A-2 and B-2 shall be treated likewise.

- 7.12.2 It is also intended that all figures and quantities contained herein shall be considered as approximate only and not absolute. Amendments to this Plan will not be required for any reasonable variance from any of these figures and quantities, provided the general intent of the Plan is preserved.
- 7.12.3 Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to include any subsequent legislation that may replace or revise the specified Act.

Appendix A

Design Guidelines

In the areas designated as Special Heritage Policy Areas on Schedules A-2 and B-2, the following design guidelines shall apply to all new development, as well as to renovations and additions to existing buildings, including both the main and accessory buildings.

Special Heritage Policy Area 1 (Rideau Canal Shoreline)

1. The natural heritage of the Rideau Canal is to be protected by restricting all development in accordance with the Waterfront Development policies of Section 3.27.
2. Where development is to occur within view of a lock station, the design should be compatible with the architectural style of the lock station buildings. In this regard, the relevant Design Guidelines for Special Heritage Policy Area 2 are to be followed.
3. In all other instances, owners are encouraged to follow the relevant Design Guidelines for Special Heritage Policy Area 2.

Special Heritage Policy Area 2 (Merrickville Urban Area)

1. Street trees are to be used to define the edge of the road allowance and should be spaced along the street to create a full canopy at maturity.
2. Buildings should be located near the street. Parking should be located at the side or rear of the buildings, particularly for non-residential and multiple residential uses.
3. Building design should be reflective of one of the pre World War II architectural styles of the Village, particularly with respect to such details as exterior cladding, windows, doors, porches and roof lines, and architectural styles should not be mixed in the same building. Where modern building materials are to be used on the exterior of buildings, they should be of the same dimensions/proportions and colours that are found in the original architectural style.
4. Modern building designs which are typical of the post World War II period should be avoided.

In the case of low density residential uses, bungalows and split-level houses should be avoided in favour of traditional 2-storey dwellings, and parking should be located in the open or in separate garages. Where attached garages are used, they should not dominate the building face (i.e., they should be less than 50% of the total building width) and should not extend more than 2 m beyond the main building or building porch.

In the case of non-residential uses, modern building design features such as all-metal and all-glass cladding should be avoided. Where multiple use buildings are to be constructed, they should not have the appearance of the typical 1-storey shopping centre.

5. Building height is to be generally limited to a maximum of three storeys.
6. Where existing buildings that exhibit one of the historic architectural styles of the Village are to be renovated or repaired, owners are encouraged to undertake an authentic restoration. Additions to such buildings should maintain the original architectural style.

Appendix B

Provincial Policy Statement 2005

Definitions

Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

Adjacent lands: means

- a) for the purposes of policy 2.1, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Adverse effects: as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural uses: means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy systems: means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of mineral potential: means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Areas of petroleum potential: means areas favourable to the discovery of petroleum resources due to geology, the presence of known petroleum resources or other technical evidence.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resources: means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Coastal wetland: means

- a. any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b. any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Comprehensive review: means

- a) for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
 1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
 2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
 3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with

- policy 2.3.2;
 - 4. is integrated with planning for infrastructure and public service facilities; and
 - 5. considers cross-jurisdictional issues.
- b) for the purposes of policy 1.1.5, means a review undertaken by a planning authority or comparable body which:
- 1. addresses long-term population projections, infrastructure requirements and related matters;
 - 2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; and
 - 3. considers cross-jurisdictional issues.

Conserved: means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural heritage landscape: means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Defined portions of the one hundred year flood level along connecting channels: means those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources: means an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available: for the purposes of policy 1.4.1(a), means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition.

Designated growth areas: means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

Designated vulnerable area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. activities that create or maintain infrastructure authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or

- c. for the purposes of policy 2.1.3(b), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species: means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish: means fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flood fringe: for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

Flood plain: for river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a. Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

2. the one hundred year flood; and
 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;
- except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Floodway: for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Ground water feature: refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites: means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes: means the principal features, characteristics, context and appearance that contribute

to the cultural heritage significance of a protected heritage property.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services: means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a. redevelopment, including the reuse of brownfield sites;
- b. the development of vacant and/or underutilized lots within previously developed areas;
- c. infill development; and
- d. the expansion or conversion of existing buildings.

Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons: for the purposes of policy 2.3.4.2, means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means

- a. in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b. in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Mine hazard: means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral aggregate operation: means

- a. lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- b. for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c. associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

Mineral deposits: means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae: means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal transportation system: means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services: means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

Municipal water services: means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

Natural heritage features and areas: means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system: means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Negative impacts: means

- a. in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b. in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c. in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

Normal farm practices: means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

Oil, gas and salt hazards: means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

One hundred year flood: for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

- a. for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b. in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c. for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Other water-related hazards: means water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services: means

- a. municipal sewage services or private communal sewage services and individual on-site water services; or
- b. municipal water services or private communal water services and individual on-site sewage services.

Petroleum resource operations: means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

Petroleum resources: means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage

for natural gas or other hydrocarbons.

Planned corridors: means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs.

Portable asphalt plant: means a facility

- a. with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

- a. with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area: means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land: means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

Private communal sewage services: means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services: means a non-municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

Protected heritage property: means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Protection works standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

Provincial and federal requirements: means

- a. in regard to policy 1.8.3, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and

- b. in regard to policy 2.1.5, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

Provincial plan: means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

Quality and quantity of water: is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional market area: refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

Renewable energy systems: means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.4.1(e), reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, but not by land-applying untreated, hauled sewage.

Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

Residence surplus to a farming operation: means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a. redevelopment, including the redevelopment of brownfield sites;
- b. the development of vacant or underutilized lots within previously developed areas;

- c. infill development;
- d. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

River, stream and small inland lake systems: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas: means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

Secondary uses: means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

Sensitive: in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a. built up areas where development is concentrated and which have a mix of land uses; and
- b. lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Sewage and water services: includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

Significant: means

- a. in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d. in regard to other features and areas in policy 2.1, ecologically important in terms of features,

functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;

- e. in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. For the purposes of policy 2.1.3(b), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a).

Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

Special policy area: means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.

Specialty crop area: means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a. soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b. a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

Surface water feature: refers to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species: means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

Transportation systems: means a system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park’n’ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable: means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Watershed: means an area that is drained by a river and its tributaries.

Wave uprush: means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.